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ABSTRACT

A Senate committee hearing received testimony to showcase Native American program initiatives at the college and university level. Program representatives presented information on the characteristics and accomplishments of their programs. The Institute of Tribal Government at Portland State University (Oregon) provides intensive 3-day training programs designed specifically for elected tribal officials and is planning a Tribal Leadership Archive of tribal leaders' oral histories. The Harvard University Native American Program includes a predoctoral scholars program focused on Native issues, financial and social support for Native students, numerous Native Studies courses, research on real-world problems submitted by tribes, outreach to tribes, and nation building through inservice education for tribal leaders and professionals. The Harvard Project on American Indian Economic Development entails the comparative study of social and economic development on American Indian reservations and application of findings in service to tribes and tribal organizations. The Native Nations Institute for Leadership, Management, and Policy at the University of Arizona provides comprehensive professional training and development for tribal policymakers and managers. The University of Arizona also offers a Master of Laws program in Indigenous Peoples Law and Policy; faculty, courses, setting, and admissions criteria are described. The Northwest Indian Applied Research Institute at Evergreen State College (Washington) addresses Native community concerns. (SV)

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NATIVE AMERICAN PROGRAM INITIATIVES AT THE COLLEGE AND UNIVERSITY LEVEL

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

ON

ADDRESSING THE NEEDS IN INDIAN COUNTRY PERTAINING TO NATIVE AMERICAN PROGRAM INITIATIVES AT THE COLLEGE AND UNIVERSITY LEVEL

JUNE 21, 2001
WASHINGTON, DC

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NATIVE AMERICAN PROGRAM INITIATIVES AT THE COLLEGE AND UNIVERSITY LEVEL

THURSDAY, JUNE 21, 2001

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 9:56 a.m. in room 485, Senate Russell Building, Hon. Daniel K. Inouye (chairman of the committee) presiding.

Present: Senator Inouye.

STATEMENT OF HON. DANIEL K. INOUYE, U.S. SENATOR FROM HAWAII, CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS

The CHAIRMAN. The committee meets this morning to receive testimony on Native American program initiatives at the college and university level. These programs are addressing needs in Indian country that have been around for a long, long time, but thankfully, because of the energy and initiative of a few institutions, we are beginning to see an important and substantive response.

Together, these programs hold the potential for significantly enhancing the thoughtful development of Indian policy through an understanding of what is working in Indian country and why; through access to training in governmental processes and policy formulation; through an examination of the laws and policies that affect indigenous people worldwide; and through the ability to conduct research and develop data that will address the need for information upon which intelligent decisions can be made.

We applaud those who are here today and commend them for their efforts.

This is some of the good news of the many positive things that are going on in Indian country.

Because they carry on their work in quiet ways, and because their work may not be the stuff that newspaper headlines are made of, we thought it was important that their efforts be brought to the attention of the Congress and the American public; and that is, quite simply why we are here today.

May I welcome all of the witnesses who join us here today. Welcome to the committee.

For the first panel we have the director of the Institute of Tribal Government, Portland State University and a former member of the Congress, Elizabeth Furse; from the Harvard Project on American Indian Economic Development, Kennedy School of Government, Professor Joseph Kalt.

Ms. Furse, welcome back.

STATEMENT OF ELIZABETH FURSE, DIRECTOR, THE INSTITUTE OF TRIBAL GOVERNMENT, PORTLAND STATE UNIVERSITY, PORTLAND, OR, AND FORMER MEMBER OF CONGRESS, FIRST DISTRICT, STATE OF OREGON

Ms. FURSE. Thank you so much, Senator. I have written remarks which I have given you and hope you could introduce them into the record for me. I will just make some brief remarks.

The CHAIRMAN. Your statement will be made part of the record.

Ms. FURSE. Thank you so much.

Senator the Institute for Tribal Government is located at the Mark O. Hatfield School of Government at Portland State University. It is governed by a Tribal Advisory Board, and that board includes Senator Hatfield, and is made up of tribal chairmen and chairwomen and the executive directors of national and regional tribal organizations. It is a policymaking board, not just advisory.

While there are 500 Indian tribes in this country, there is really no institute which is devoted to tribal elected leader training and capacity-building, and that is what the Institute of Tribal Government does.

The Institute was put together to serve elected tribal officials. We have a core curriculum, which consists of a 3-day seminar, with 1½ days devoted to Federal Indian law, one-half a day devoted to how bills go through Congress, the legislative process, and then the following day, the third day, is tribal-State relations and giving a lot of opportunity for tribal elected officials to have questions and discuss among themselves the learning that is going on.

We also have another very important project, which is the Archival Leadership Project. Our Board directed us to put this in as a priority. It is to tape, on videotape, and through interviews with professional interviewers, tribal leaders around the country whose story is that of leadership, how they did what they did over the years, and how in fact we can use those stories and those experiences to train other up- and-coming tribal leaders.

We will be doing six of those interviews, Senator, this year, and that is through a grant from the Grand Ronde Tribe's Foundation, and we hope to increase that and do more of those. In fact, yesterday I had a meeting with the Discovery Channel; they are very interested in this as a possibility of training and leadership education around the country. The Oregon Historical Society will maintain this archival research.

As a Member of Congress and with 30 years' experience working with tribal governments, I have been incredibly impressed by the leadership capabilities and the experience which tribal governments bring. But I think there has been a tendency to sometimes hire outside consultants who perhaps are not always the very best spokespeople for those tribes.

So when I was first elected to Congress, I went to the Kennedy School, as all new Members of Congress do, and I thought at the time what a wonderful experience that might be for tribal leaders themselves, to have an opportunity to come together to learn about what these new duties were. So after I left the Congress I went—last year I had a meeting with Senator Hatfield and great tribal leaders, chairpeople around our region, and we put together the Institute for Tribal Government at the Hatfield School. As you know, Senator Hatfield has been a leader in the efforts of tribes, and his guidance and encouragement has been incredibly important as we put it together.

We started with a small planning grant from three tribal governments, and a small foundation, and then this year we were very fortunate to receive a grant through the higher education budget of the United States. We had that appropriation come in April. We planned and told the Congress we would do six trainings this year; we have no planned and will perform 11, including the Navajo Nation, all of the Alaska tribes who are coming together in October, tribes from Washington, Oregon, and Idaho. We will be doing those, and I have been invited to come down to the southeastern and eastern tribes to tell them about the program.

Instructors are professors, law professors, professors in these subjects. Almost all of our instructors are Native American.

Senator we have found in this short time that the demand has way exceeded our capacity. We look forward, though, to expanding our program, working more and more with tribal governments, but what we have realized is that the need is there, and that the tribal governments are responding. We hope next year to do at least one seminar per month. We will either go to the tribe, or the tribe will come to Portland. For instance, with Navajo, we will go there because the tribal council is so large. But with smaller tribes, they will come to us.

I want to just touch on the tremendous support, Senator, that we have had from the other institutions who will testify today. They either serve on our board or they have been extremely helpful to us as we have developed, obviously, very, very quickly. We have something unique to offer; our clients are tribal elected officials, each of them brings something that is so important and which we can all use together.

Senator I understand that you might be thinking about some kind of Native American university. That's very exciting. Senator Hatfield spoke to me just on Monday about that and reminded me that you and he had put together the Institute for Peace, and he said what a wonderful concept you had.

I will close by thanking you, Senator, and thanking our tribal advisers. Without them we would not be the institute we are today; they guide us every step of the way. I would like to thank our Oregon delegation for supporting the funding, but in particular I would like to thank Senator Gordon Smith and Congressman David Wu, and Senator Herbert Kohl, who also was very supportive of this, as were you, Senator Inouye, and thank you for the privilege of testifying before you today.

[Prepared statement of Ms. Furse appears in appendix.]

The CHAIRMAN. Have you had the opportunity to work with the tribal colleges?

Ms. FURSE. Yes; in fact, Senator, we contemplated—and the Navajo Nation contemplated—holding one of these seminars at the new college. It turned out that there wasn't the space at the time that the Navajo Nation wanted our Institute, but we would like to work as closely as possible. We are not a degree program; as I say, we are unique in that our only clients are tribal governments. But we would like to work in cooperation with the institutions, but particularly the tribal colleges, of which we have—not in Oregon, but we have a number in the northwest.

The CHAIRMAN. So you are not in a position to advise this committee as to your assessment of the capabilities, the capacity, of these tribal colleges?

Ms. FURSE. I am not.

The CHAIRMAN. May I now call upon Professor Kalt.

STATEMENT OF JOSEPH P. KALT, HARVARD PROJECT ON AMERICAN INDIAN ECONOMIC DEVELOPMENT KENNEDY SCHOOL OF GOVERNMENT, HARVARD UNIVERSITY, CAMBRIDGE, MA, ACCOMPANIED BY KEN PEPION, EXECUTIVE DIRECTOR

Mr. KALT. Thank you, Senator. I would like to begin, actually, by introducing Dr. Ken Pepion, the director of the Harvard University Native American Program. There's a lot going on at Harvard; it took two of us to describe it to you. I will let Ken begin.

Mr. PEPION. Thank you, Senator, for allowing me the opportunity to make these comments to you and describe what we are doing at Harvard.

As part of its charter of 1650, Harvard dedicates itself to the education of English and Indian youth. While Harvard's commitment to Indian education has been inconsistent over the past 250 years, the leadership of the university has renewed its commitments and is staunchly supporting the development of teaching, research and outreach aimed at contributing positively to Indian country.

In April 2000, the Provost of the university designated the Harvard University Native American Program, HUNAP, as one of Harvard's 10 interfaculty initiatives. Our efforts are founded on the belief that any work that the university does should be able to make a difference in the real world in which indigenous people are addressing problems and opportunities that confront them, that the university's role is to provide resources and opportunities, and at their request, we are able to make those resources at Harvard available to them, and that the learning of students and researchers cannot be served by staying by staying in the ivory tower of academe. With these principles in mind, we are now engaged in a number of programs, including providing support to pre-doctoral Native American fellows. We have visiting professional fellows.

Student support is very much at the center of what we do at Harvard University. We are expanding our efforts and increasing financial aid in an effort to increase the number of students matriculating at Harvard University, and once they do get to Harvard, their chances for success are very good. In fact, their rate of retention once they get to Harvard is 97.

Harvard supports numerous courses focused exclusively on Native Americans and a growing number of courses that include Native American content. Our course offerings entitled, Native Americans in the 21st Century: Nation Building I and Nation Building II" focus on the challenges that face decisionmakers today. The Nation Building II course offers students a unique opportunity to develop a research report on real-world problems that are brought to HUNAP in requests from tribes and Indian organizations. The results of these projects are widely disseminated throughout Indian country in recognition of the fact that many Native leaders are struggling with similar issues.

HUNAP also supports a growing number of outreach efforts that address the vital needs of Native American communities. We are currently hosting a group of Hopi high school students and teachers from the Hopi Reservation in an effort to bolster their interest in science, mathematics and engineering.

We are working with First Nations in Canada on the process of comprehensive school reform in order to enhance the effectiveness of teaching in their communities.

We are also involved in an effort to form a consortium of northeastern tribes to promote quality health care and education in their communities.

Examples of current research efforts include the widely-utilized work of the Harvard Project on American Indian Economic Development that Professor Kalt will describe.

Finally, in the area of executive education, HUNAP has developed and provided programs to many tribes on matters ranging from dispute resolution to constitutional reform to help policy and business development.

I will now turn it over to Professor Kalt to describe our further efforts in the Harvard Project on American Indian Economic Development.

Mr. KALT. Thank you, Ken.

Senator I codirect—along with Professor Steve Cornell and Dr. Manley Begay from the University of Arizona—I codirect the Harvard Project on American Indian Economic Development. As you might guess, it is a research project launched about 15 years ago. We are best known for research findings which consistently demonstrate that successes in Indian country, and really the only policy that has had a chance to work and is working, is the policy of self-determination and self-governance. We stress that is founded on the research findings; it's not a hopeful thought on our part. We think that's what the evidence says. From that central research finding—that is, the importance of self-governance and self-determination—comes our interaction with Indian country, and I would like to briefly describe that.

We have a number of avenues in which we do projects. First, over the last 1 dozen years or so we have done more than 200 projects for tribes in which, at the request of tribes, we put ourselves, our staff, our graduate students on projects that have ranged from judicial reform at Hualapai, land use at Cochiti, employment and retention of Apache graduates at Mescalero, a wide range of projects. These 200 projects are in written form, and with the permission of the client tribe or tribal organization, we then distribute those back out through Indian country, and about 15,000 reports are now floating around Indian country, and they are found all over tribal headquarters as tribal leaders all over the country struggle with such issues as judicial reform, land use, education.

In addition to these field projects, we also have a major project known as "Honoring Nations," honoring contributions in the governance of American Indian nations, chaired by Andrew Lee, and our advisory board chaired by Chief Warren Lyons, whom I am sure you know. Honoring Nations is an annual awards program in which tribes go through a competitive process, and the program recognizes rewards and honors, the best practices in Indian country, Indian self-determination and self-governance. We have now been through two cycles of this, and the honorees from Honoring Nations represent examples of the finest in self-governance, not only in Indian country, but anywhere in the world.

In addition to the Honoring Nations program, we run executive education programs. THese are founded the belief and the observation that current Native leadership—people in office, the people running programs, directors, managers, et cetera—typically don't have access to the finest business schools, law schools, public policy schools, and yet the challenges of leaders and decisionmakers in Indian country are every bit as big as corporate leaders, business leaders, and Government leaders.

So our executive education programs are designed to try to provide career professionals for Indian country with exposure to an education in economics, business, public administration, dispute resolution, constitutional reform. We've done programs Crow to Pine Ridge to Tohono O'odham, Fort Peck, the senior management of IHS.

You can tell by these remarks that there is wide engagement at Harvard with the field. We are out in the field constantly with our projects, with Honoring Nations, and with executive education. Our belief, as we look forward and as you consider such things as Ms. Furse mentioned, perhaps a Native American University. But a great deal of emphasis needs to be placed upon current leadership, the mid-career professionals who are struggling right now with problems ranging from health to education to government and business.

The tribal colleges, in my view, are doing a fine job in building future generations and coming generations of leaders, but today's leaders are struggling against tremendous problems, often with the deficits in their own education that has left them unarmed with respect to issues of business and public administration and, really, the running of self-determined societies.

So our work at the Harvard Project, and more broadly at HUNAP, is dedicated to trying to provide both the research information and the educational opportunities to help Native American leadership arm themselves with the tools they need to run their Nations.

Thank you.

[Prepared statement of Mr. Kalt appears in appendix.]

The CHAIRMAN. I would like first to commend Harvard University and Portland State for the work you are doing. I have been in the leadership of this committee now for about 14 years, and I can tell you that it has been exhilarating but frustrating. It has been exciting but, at times, maddening. Sometimes I feel that we do not know where to start. Do we start with health? With judicial reform? Or do we look at land in trust? Do we look at gaming, economic development, sovereignty?

When I hear professors and men and women of high intellect speak of the possibilities at these great conferences, I am reminded of the extraordinarily dismal dropout rates in the school system in Indian country, and I would like to get—and I know the committee would like to get—some expert advice on what to address that. How do we retain these students in school?

We look at drug addiction, and look to the cities. But we also have drug addiction in Indian country. Something has to be done. Is it money? Is it commitment? I do not know what it is. The infrastructure of our school systems is something that we would be ashamed of if we were in a third-world country. We make a big fuss over asbestos, and we find that many of our schools in Indian country still have asbestos.

So it would be extremely helpful—and I know you are trying your best—if you could consider this hearing as our first step in making a contract with the academia of this land to serve as a resource to this committee on what we can do to address all of these issues.

Leaders in Indian country are doing their absolute best, but even with that, it is not enough. And when one considers that, as I have frequently said, that Indian people have already "paid their dues'—they not only gave up their lands, but here is one of the lesser known facts. In all of the wars over the last century, men and women of Indian country, on a per capita basis, have put on the uniform of this country and placed themselves in harms way more often than any other ethnic group.

So we owe them a lot, and I am glad that the institutes of higher learning are involved in this. So if you can just add one more assignment and serve as our advisors, I would be most appreciative.

Do you have any activity on your campuses dealing with education, kindergarten and up, K–12 or anything like that?

Ms. **Furse**. No, Senator; not exactly that, but what we do have at Portland State is a Native American Center that is being developed, and it actually came out of the students asking for it. It will develop training of teachers and Native students who would then become teachers, and it will be a place in Portland that will be a very, very helpful place for tribal people to come. This is coming out of the university, but tremendously out of the student body itself, wanting to serve their younger brothers and sisters as they go through their education.

Mr. **Pepion**. Senator, in response to your comments, I mentioned that the Harvard Native American Program is now working with First Nations in Canada, but we are working through the office of our visiting senior faculties who have been in the field in lots of different kinds of positions of educational leadership, primarily Bureau of Indian Affairs schools.

I would very much agree that in the infrastructure in the Bureau schools, we do have some expertise on board to deal with a lot of the kinds of issues that need to be dealt with in school reform and all of those issues that tie into lack of achievement among American Indians.

I think we all have to recognize that the majority of Native American people, however, are in public institutions. That being so, we have to deal with several different entities, including the States themselves.

So I think that we are poised to address the issues and relationships that should better exist in partnerships between State Offices of Education, State public and private institutions, as well as K-12 schools.

So I would very much advocate strong partnerships among these three entities in addressing all these issues.

The CHAIRMAN. Thank you.

Ms. Furse, you speak of a Tribal Advisory Board?

Ms. FURSE. Yes.

The CHAIRMAN. And how are they selected?

Ms. FURSE. Well, the criteria was set at that first meeting, that the Advisory Board would be made up of chairs of tribes, or the executive directors of tribal organizations. And so the original little nucleus was tribal chairpeople, mostly in the northwest, but they have since selected others to join us. We were just recently joined by the Speaker of the Navajo Nation. So it is beginning that people are coming into our Advisory Board.

But I do want to stress that they are a policymaking board, and the university recognizes that.

The CHAIRMAN. If we were to expand that to have a national role, would that be in competition with or as an adjunct to the National Congress of American Indians?

Ms. FURSE. You know, I think that there is so much work, Mr. Chairman—there is so much need that I don't think that any of us are ever going to be in competition. I think we can work collaboratively and each of us fill that unique role, but also support that role of each institution.

The CHAIRMAN. Well, I thank the three of you. I appreciate this very much.

Ms. FURSE. Thank you, Mr. Chairman.

Mr. KALT. Our pleasure.

The CHAIRMAN. May I now call upon the second panel. The director of the Native Nations Institute for Leadership, Management, and Policy and the Senior Lecturer of the American Indian Studies Program at the University of Arizona, Dr. Manley Begay; the director, Professor of Sociology of the University of Arizona, director of the Udall Center for Studies in Public Policy and the Codirector of the Harvard Project on American Indian Economic Development at Harvard University, Professor Stephen Cornell.

STATEMENT OF STEPHEN CORNELL, DIRECTOR, PROFESSOR OF SOCIOLOGY, UNIVERSITY OF ARIZONA; DIRECTOR, UDALL CENTER FOR STUDIES IN PUBLIC POLICY; AND CO-DIRECTOR, HARVARD PROJECT ON AMERICAN INDIAN ECONOMIC DEVELOPMENT AT HARVARD UNIVERSITY

Mr. CORNELL. Thank you very much.

The CHAIRMAN. Welcome to the committee.

Mr. CORNELL. Thank you, Senator. It's a pleasure to be here. We very much appreciate the opportunity to speak with you and to share this morning with our partner institutions working in Indian country.

I will just say a few words about the University of Arizona, and then I'm going to introduce Dr. Begay to discuss the Native Nations Institute.

The University of Arizona has a substantial and long history of involvement with Indian country. It has taken a number of forms. You are going to hear later this morning from the Indigenous Peoples Law and Policy Program in the Rogers College of Law. There also is an ambitious American Indian Studies Program at the university, one of only two programs in the country that awards the Ph.D. degree.

There is significant work at the university on language revitalization among Indian nations, and research at the College of Medicine, College of Public Health on health problems in Indian country. There is a great deal going on.

One of the units of the university with a very strong commitment to Indian country is the unit that I direct, the Udall Center for Studies in Public Policy. In January of this year, the university, in conjunction with the Morris K. Udall Foundation, established at the Udall Center a Native Nations Institute for Leadership, Management and Policy, building directly on the research work that Professor Kalt described just a few minutes ago, carried out by the Harvard Project on American Indian Economic Development, and this has become a focal point for our work with tribal governments on development, self-determination, and self-governance issues. Dr. Manley Begay is the director of the Native Nations Institute, and he will tell you about that now.

Dr. Begay.

[Prepared statement of Mr. Cornell appears in appendix.]

The CHAIRMAN. Dr. Begay.

STATEMENT OF MANLEY BEGAY, DIRECTOR, NATIVE NATIONS INSTITUTE FOR LEADERSHIP, MANAGEMENT, AND POLICY, AND SENIOR LECTURER, AMERICAN INDIAN STUDIES PROGRAM AT THE UNIVERSITY OF ARIZONA, AND CODIRECTOR, HARVARD PROJECT ON AMERICAN INDIAN ECONOMIC DEVELOPMENT AT HARVARD UNIVERSITY

Mr. BEGAY. Aloha, Senator

The CHAIRMAN. Yah te hey. [Laughter.]

Mr. BEGAY. I am a citizen of the Navajo Nation, and I also recently became a grandfather. It is interesting; you begin to think about things quite differently, and you begin to think more of what your grandmother has said to you many years ago. My grandmother is probably over 100 years old, and it is through her eyes that I see the context within which Indian country is struggling. She has seen the near-devastation of Indian country to the recent political resurgence of Indian nations.

We are truly at this time in an age of nation-building, and I consistently talk with my grandmother about this. She said, "It will come about. Things will get better." And things seem to be somewhat getting better, although there are a lot of struggles still in our midst.

Fifteen years ago, you will recall, Joe Kalt, Steve Cornell, and I began the Harvard Project on American Indian Economic Development. We wanted to understand why some tribes are doing well economically and why others are not. And interestingly, of the 15 years, 10 years have been really dedicated to providing executive education for Native leaders, but not really in any systematic manner. It was more upon request by the leaders themselves and tribes, and also First Nations up in Canada.

It was out of this research that the idea of an institute was born. As a matter of fact, the three of us were riding horses up in the hills of Montana, right outside of the Crow Reservation, when we began talking about an institute, and the need to provide in a more systematic fashion an executive education program, as well as a policy, research, and analysis institute. And it was out of this horseback ride that this idea came about. And then, lo and behold, the Native Nations Institute was born and created at the University of Arizona, recently, just last year. It was really a response to a need, that Native leaders are wrestling with nation-building issues, how to build viable and effective institutions of self-governance. It was really a response to that. As Joe Kalt mentioned earlier, other kinds of leaders have access to numerous educational programs, whereas tribal leaders do not. So it was really in response to that.

The cornerstone of the Native Nations Institute really are leadership and management programs, with specific emphasis on executive education for senior leaders. We are in the process of developing case-based curriculum materials on economic and community development issues.

We are also focusing on leadership and entrepreneurial training for Native youth, as well.

Second, we are engaged in policy research and analysis on a variety of subjects. We also have a focus on basic research, as well, and we are also in constant collaborative relationship with tribes, and also First Nations up in Canada. And we hope that these collaborative relationships will be long-term, specifically focusing on nation-building efforts that tribes are going through.

Some of the notable features of the Native Nations Institute are that we are a research-based entity. Our curriculum is research-based, building on Harvard projects and work that has been going on for many years.

Also, as Steve said, we have a strong faculty at the University of Arizona, strong support from the Law School, from the American Indian Studies Program and elsewhere. We also have a 24-member International Advisory Council made up of individuals from the United States and Canada. Patricia Zell is a member of that council.

In conclusion, a lot of strength and power has really been placed on the Native Nations Institute. As a matter of fact, a prominent Navajo medicineman Peter Chee held a blessing for the Native Nations Institute recently. This particular eagle feather was given to the Native Nations Institute. It is through the Native Nations Institute, and the blessing, that the present, the past, and the future might really become a good reality for Indian nations.

As you look at the logo that we have developed for the Native Nations Institute, it really embodies several prominent points. It really denotes strength and direction and leadership; also protection, and also effective and efficient nation-building. And I think that it really, truly focuses on what my grandmother has mentioned to me, about the past, the present, and the future.

So with that, I thank you very much, Senator.

[Prepared statement of Mr. Begay appears in appendix.]

The CHAIRMAN. Thank you very much, Dr. Begay.

Several weeks ago your president, together with Nan Stockholm Walden, came by to discuss this matter, and I can assure you that this committee is now in the process of trying to convince the Administration and work out the appropriate authorization so that $1 million can be transferred to the Institute.

Mr. BEGAY. We are very grateful for your efforts, Senator.

The CHAIRMAN. You spoke of issues faced by Indian leaders. What sort of issues are you referring about?

Mr. BEGAY. Native leaders currently are struggling with figuring out how to develop institutions of self-governance that work. Many of the governments that these tribes have, have been thrust upon them and are often culturally inappropriate, and therefore do not function and do not have the legitimacy of the people. So as a result, it really promotes factionalism. It promotes a poor decision-making process.

These leaders truly are wrestling with issues that are found throughout the world, from Eastern Europe to the Philippines to South Africa and so forth, where colonization has occurred. And as a result, these leaders are thinking through these issues quite carefully and are struggling, and they don't have a place to go to wrestle with these issues with their peers. We have found in these executive sessions that we have run that one leader will say to another, "Oh, so that's the way you do it. We do it this way. I think we'll try your way." So it really promotes the sense of camaraderie, the sense of unity. We found that it works very well.

The CHAIRMAN. That brings up an interesting observation. I have noted that in some of the tribal nations, big and small, the challenges are caused by frequently changing tribal government administrations.

How do you cope with that type of instability that has lasted for decades?

Mr. CORNELL. We had an interesting discussion with members of one tribal council—not quite the situation you described, but a situation in which deep and profound factionalism had been present for a long time, and it had been crippling to the nation itself. And the issue became, are the individual factions willing to give up some degree of power in order to empower their nation by creating a government that actually works? And when it was reframed as a question of "How do you empower your nation, and are you willing to make sacrifices in order to do that," we found the response of council members was very positive. They hadn't thought about it in quite those terms. A lot of it was about who is going to control this set of jobs or this set of opportunities, but the result was fewer opportunities and fewer jobs for the nation as a whole.

And that's kind of the approach we have taken, that the institutional foundations of development require a larger frame of thinking about how you create capacities for the nation as a whole that go beyond factions and beyond the struggle over distributional issues, and begin to create a larger pie for the tribe.

The CHAIRMAN. Well, if you have the solution, I hope you share it with us. One of my first assignments as chairman of the committee was to go to northern California. As part of the American experience, because there was a time in our history when non-Indians thought that "Indians all look alike" they put different tribes on the same reservation, even if they were enemies. So here were two tribes that had lived for nearly 200 years, fighting with one another on the same reservation. And the only solution that we could find was the one that Solomon provided: Cut the nation in half, you have one half, you have the other half. But that might not be the solution.

So whatever you have found, please share it with us.

My question to you is, you must have a lot of findings, good things coming out of your research and your collaborative work with other institutions. Are you sharing this information with Indian country?

Mr. CORNELL. A major part of our effort is to share it as widely as we can. We are in the process right now of putting together two different collections of cases of excellence in enterprise development and excellence in governance, and we have found funding to allow us to distribute that gratis to tribes across the country and to tribal planners and councils. So a major part of our effort is to find ways to tell the success stories, in accessible ways, to tribal leadership.

The CHAIRMAN. If we are not able to secure the transfer of $1 million for the institute, will that mean that the institute would have to close it's doors?

Mr. BEGAY. I don't believe so. The institute will have a tougher time, obviously, but we believe that we have a very good track record. We have been working for 15 years or so in Indian country, and we have a lot of friends. We believe that members of the International Advisory Council will come to our aid and assistance in raising some funds.

I think that the University of Arizona has a deep commitment to the Native Nations Institute as well, and through the president of the university, Peter Likins, we will be around for a long time.

The CHAIRMAN. Will you do me a favor?

Mr. BEGAY. Yes, sir.

The CHAIRMAN. At the close of this hearing, sit down and draft a letter to me as chairman of this committee that I can share with the Appropriations Committee, setting forth some of the problem areas that you have dealt with and what your program and projects will be like with the money provided, and tell us what will happen without this money.

Mr. BEGAY. We'd be glad to.

The CHAIRMAN. I thank you very much.

Our next panel consists of the Dean and chair of Constitutional Law, University of Arizona James E. Rogers College, Dean Toni Massaro; the Samuel Feglty Distinguished Professor of Law, Professor S. James Anaya; and the Associate Clinical Professor of Law and director, Indigenous People Law and Policy Program, University of Arizona, Professor James Hopkins.

Dean Massaro.

STATEMENT OF TONI M. MASSARO, DEAN AND MILTON O. REIPE CHAIR IN CONSTITUTIONAL LAW, UNIVERSITY OF ARIZONA JAMES E. ROGERS COLLEGE OF LAW, TUCSON, AZ

Ms. MASSARO. Thank you, Chairman Inouye and Ms. Zell. We are very proud to be here today, invited to testify. It took two of us, as well, to talk about the things going on at the College of Law, but I want to echo what Steve has already said about the commitment of the University of Arizona to these issues. Dr. Lykens and Nan Stockholm Walden, who is here with us today, represent but the tip of the iceberg of all the programs that have devoted themselves to indigenous people's issues on campus, and I think it is important for you to know that the entire university is behind us as we testify here today.

I am going to introduce first James Hopkins. He is the clinical director of our brand-new post–J.D. LL.M. program in Indigenous Peoples Law and Policy, and he will be followed by Professor Jim Anaya, who is the co-faculty chair of the Indigenous Peoples Law and Policy Program at the James E. Rogers College of Law in Tucson.

James.

STATEMENT OF JAMES HOPKINS, ASSOCIATE CLINICAL PROFESSOR OF LAW AND DIRECTOR, LL.M. IN INDIGENOUS PEOPLES LAW AND POLICY, UNIVERSITY OF ARIZONA JAMES E. ROGERS COLLEGE OF LAW, TUCSON, AZ

Mr. HOPKINS. Thank you.

Senator it is a great honor to be here.

The legal, economic, and social policy issues that face indigenous peoples globally represent some of the most important challenges of the 21st century. In the United States, Canada, Latin America, and around the world, indigenous peoples confront a wide variety of legal challenges, urge changes in national laws and legislation, and rely on international legal principles to achieve protection of their cultural resources, autonomy in heritage, and sustainable economic and community development.

These challenges present an array of complex and entirely new issues and concerns for Native and non-Native lawyers, businesses, governments, and other decisionmakers involved in indigenous people's law and policy.

To meet the challenges, the James E. Rogers College of Law at the University of Arizona is offering a Master of Laws program in Indigenous Peoples Law and Policy beginning in June–July 2001. Graduate law students from the United States and around the world will come to Tucson for a specialized program of study designed to produce a generation of highly-trained lawyers, policymakers, and legal academics who understand and are prepared to address the unique legal problems and challenges in this most important field.

The creation of the LL.M. program permits the College of Law to enhance and strengthen its already-impressive list of course offerings in the field of indigenous law and policy.

With respect to clinical education, the LL.M. program will expand the centerpiece to our hands-on training in indigenous law and policy, the LL.M. Indigenous Law Clinic. My colleague and co-chair for the Indigenous Peoples Law and Policy Program, Professor Anaya, will address the important work of the clinic.

STATEMENT OF S. JAMES ANAYA, SAMUEL FEGTLY DISTINGUISHED PROFESSOR OF LAW AND CO-FACULTY CHAIR, INDIGENOUS PEOPLES LAW AND POLICY PROGRAM, UNIVERSITY OF ARIZONA JAMES E. ROGERS COLLEGE OF LAW, TUCSON, AZ

Mr. ANAYA. Thank you.

Good morning, Senator. As my colleague, Professor Hopkins, has said, as an adjunct to a broad curricular offering in indigenous people's law and policy, the College of Law's LL.M. Program in Indigenous Peoples Law and Policy will be offering clinical placements to LL.M. students. These clinical placements follow from a program that the College of Law has developed already with regard to its J.D. students.

The clinic students, who are J.D. students, have been directly involved in providing legal representation before courts, legislatures, international human rights bodies. They have been involved in legislative drafting assistance and litigation and policy research support to indigenous peoples and communities throughout the United States, as well as abroad.

The human rights and legal advocacy work of these students in the clinic has taken them to indigenous communities on the Atlantic coast of Nicaragua, to the Rio Yaqui and O'odham communities of Mexico, to the United Nations' Commission on Human Rights; to Geneva, Switzerland; to the Inter-American Court of Human Rights in San Jose, Costa Rica, as well as to the Navajo Supreme Court, to the United States Supreme Court, to the White Mountain Apache Tribal Attorney's Office, as well as to numerous Indian communities throughout the American west.

Students enrolled in the Indigenous Peoples Law and Policy LL.M. Program will be able to participate in an especially-designed graduate LL.M. clinical placement program that is similar to the J.D. model. The LL.M. clinic will provide faculty-supervised placements for the students in tribal courts and tribal governments, and with United Nations- recognized indigenous human rights organizations, like the Indian Law Resource Center, which is based in Helena, MT and which also has offices here in Washington.

The LL.M. clinical students are going to be working on major indigenous human rights cases before bodies like the Organization of American States, the Inter-American Commission on Human Rights, and the OAS Inter-American Court of Human Rights. They will do applied research on projects undertaken by College of Law faculty members at the request of indigenous communities and organizations. They will help represent clinic clients throughout the United Nations and OAS human rights systems, and they will be able to conduct faculty-supervised legal and policy research on major issues in the field of indigenous people's law and policy for LL.M. Program-sponsored scholarly publications, and community and professional legal education seminars, conferences and workshops.

This will undoubtedly be one of the most important and valuable educational experiences for students in the LL.M. Program. Recent

Indigenous Law Clinic projects have included cases involving indigenous peoples in Belize, in Nicaragua, Canada, as well as in the United States. In our written statement that we are submitting for the record these cases and activities are described much more fully.

In conclusion let me just add that our view is that the study of indigenous law reveals common themes of experience throughout the world for indigenous peoples. The LL.M. Program's emphasis on comparative legal and policy analysis, both here in the United States and abroad, seeks to respond to the global challenge facing indigenous communities by graduating highly-trained lawyers, policymakers, and future tribal leaders in the field of indigenous peoples law and policy.

On behalf of the College of Law and the Indigenous Peoples Laws and Policy Program of the James E. Rogers College of Law, University of Arizona, we would like to extend our sincere thanks to you, Senator, and to the committee for the opportunity to present these remarks.

Thank you, Mr. Chairman.

[Prepared statements of Ms. Massaro and Messrs. Hopkins and Anaya appear in appendix.]

The CHAIRMAN. I thank you very much, Dr. Anaya.

Does this Master of Laws program have relevance to the problems faced by Indian country in America?

Mr. ANAYA. Yes; it certainly does. As I mentioned, and as my colleague, Professor Hopkins, indicated, we will be offering courses that cover the gamut of issues facing lawyers who practice in Indian country, including issues of tribal sovereignty, lands and natural resources, economic development. As well as covering substantive areas, we will also be dealing with issues of methodology that face lawyers practicing in Indian country here in the United States—as I indicated, methodology with regard to litigation, methodology with regard to working on legislation, and dealing with tribal communities and leaders in what is increasingly a complex intercultural context.

The CHAIRMAN. What has been the response to this program?

Mr. ANAYA. Perhaps I should allow my colleague, James Hopkins, to address that. He is dealing with the numerous applications that we have received from students around the country.

Mr. HOPKINS. Senator, I am pleased to say that the response to this program has been overwhelmingly positive, both here in the United States and abroad.

One of the particular traits that is very appealing in this program is its emphasis on what you might call "pan-indigenism," which is a word that hasn't really been circulated recently, but the idea that there are common experiences amongst indigenous peoples in their respective home countries. And by using the University of Arizona and its location within the southwest, in Indian country, we are able to gain from the experiences of the local indigenous groups that we've already been working with over the last 10 years, and in essence provide an excellent learning environment for other communities that are struggling with the same types of problems.

So in terms of getting applicants, we have had absolutely no problem whatsoever. What is quite remarkable is the level of commitment and the level of experience that these applicants are bringing to our program. Typically, these are multiple-degree-holding applicants who already have graduate-level degrees. They are attorneys here in the United States who have 3 to 4 years of practice, and they see this as a real benefit to their practice, or as a means to become more academic in their work.

The CHAIRMAN. How long is this course? Is it 1 year?

Mr. HOPKINS. That's correct. It is approximately 1 year.

The CHAIRMAN. We have candidates here. [Laughter.]

Mr. HOPKINS. I would welcome all their applications.

The CHAIRMAN. I would like to thank the panel for your assistance this morning, but before I call upon the next panel, because we have had the Arizona team here, in 2 years we will have a great celebration on the Mall, at which time we will open the doors to the National Museum of the American Indian. It is a massive effort of hundreds of millions of dollars. It is something that Indian country has been working on for many years, and a crucial role in the establishment was played by a member of the Arizona team. I am not certain that you are aware of this, but I just noticed that she is here. Without her, I think that the museum would still be a dream.

So may I recognize Nan Stockholm Walden? She is the heroine. [Applause.]

The CHAIRMAN. At that time she was the brains for a Senator here, and with that brain she got New York on our side. We got the collection from New York, and the first increment of the museum was established in New York City.

So, Nan, I thank you very much publicly.

Thank you very much.

The CHAIRMAN. May I now call on the last panel: The director of the Northwest Indian Applied Research Institute, a former staff director of this committee, Alan Parker; and director of the MPA Program of the Evergreen State College of Olympia, Dr. Linda Moon Stempff.

Mr. Parker.

STATEMENT OF ALAN PARKER, DIRECTOR, NORTHWEST INDIAN APPLIED RESEARCH INSTITUTE, THE EVERGREEN STATE COLLEGE, OLYMPIA, WA

Mr. PARKER. Good morning, Mr. Chairman. It does feel a little different to be out here in front of you as a witness.

But I do want to thank you for the invitation and tell you what a privilege and a pleasure it is to be with you this morning and to follow such a distinguished and accomplished group of witnesses. I think they have described people who are "pushing the envelope" all around Indian country in terms of bringing together the tremendous resources and expertise in our higher education institutions, bringing that together with tribal leadership, with Congressional leadership, with people who have earned their track record as practitioners, and the Native students and the issues that are in front of Native students.

First, I would very much like to address some of the questions that you had raised with earlier witnesses. But before getting to that, I would like to take just a few minutes and tell you about some of the work that we are doing at Evergreen College.

As I'm sure you know, Dan Evans, a former Senator, was very instrumental in founding Evergreen College and served as its president before coming back here to serve in the Senate. And one of a series of leaders, Mark Hatfield, as you know, has founded the School of Government at Portland State, and now Congresswoman Furse is working with him. Mo Udall was instrumental in starting the institution at the University of Arizona. So there is this pattern of Congressional leaders who have left their mark on the higher ed-institutions.

Here at Evergreen we also have tribal leaders who serve with us. One of the most distinguished tribal leaders in Indian country, the Honorable Billy Frank, serves as a member of the Trustees for Evergreen College. We are very proud of the fact that, as far as I know, we are the only State college in the country where a prominent tribal leader serves as a member of the Board of Trustees.

Of course, Billy has been a source of inspiration to our Native students, and he has been a powerful influence as a member of the Board. With Billy's help we have been able to do some pretty significant things on behalf of the tribes in western Washington.

Along with our testimony we sent a brochure which we published just last year that describes the range of programs that we have created at Evergreen. One of those that we are most proud of is what we call the "reservation-based program." Over the past 10 years at Evergreen College we have created a series of satellite campuses on the reservations surrounding Olympia, and we have been able to provide B.A. degrees to over 100 members of those tribes. And as you know, those are relatively small tribes, so if you can graduate even 5 or 10 members of those communities, you're having a real impact. And these students are students who are, for the most part, adults, many of them recovering people, recovering from addictions of various kinds. They have raised families already and they've come back to get their degree.

So just being among them and hearing their compelling stories is a very moving experience, and I think this is one of the things that the college is most proud of, that we've been able to do this.

We also have a partnership with Northwest Indian College, the tribal college up at Lummi, an official memo of agreement between Evergreen and Northwest Indian College in which the students take their initial courses and receive their A.A. degree from NWIC, and then they move into Evergreen for their bachelor degrees, and some of them have gone on to graduate degrees at the college.

I was very pleased to be able to receive a faculty appointment 4 years ago at Evergreen College. After I got there, the former leader of the Quinault Nation, Joe de la Cruz, came to us. And Joe said;

> What we need to do is to create a research institute at this college. It's not enough to just provide an educational opportunity for tribal members. It's not enough to have just created the longhouse.

Which is a tremendous facility at Evergreen College.

> We need to be able to come to the college, we tribal leaders, we tribes need to be able to come to the college and receive assistance on the issues that are confronting us.

So we went ahead and wrote a proposal, and the State legislature funded the Northwest Indian Applied Research Institute 2 years ago, with the support of the tribal leaders in western Washington.

They founded the Northwest Indian Applied Research Institute in order to do just what Joe was saying, in order to create an institute that would work on the issues that are confronting the people, bring together Native students and their desire to learn and to be of service to their tribes, with the issues and the problems.

So in the past 1½ years, since we've actually gotten started, we have been able to generate a series of research reports similar to what the Harvard school has done, except probably more focused just on those northwest tribal issues. We just issued a report with one of Linda's students on comanagement of fishery resources, which as you know is a very important issue with the tribes.

Another team of the students who are in the MPA program at Evergreen worked with us to produce a report on implementation of welfare reform in western Washington, and we looked at it as a very groundbreaking agreement that had been developed between the State and the tribes, so that the services of "work first" and other services associated with welfare reform can be delivered by the tribes themselves rather than by the State of Washington.

So these are some of the issues that we have been able to put students to work on. We also have created a web page, and on that web page other Native students in our masters and teaching program have created a whole array of curriculum that is offered directly to teachers in high schools in Washington State—not just to schools where there are Native students, but most particularly to schools where there are non-Native students, so those non-Native teachers can teach the non-Native students about western Washington Indian tribes. So we will graduate a whole generation of people coming out of the public schools in Washington State who will know about the tribes, who will know about the history, know about the current issues, know about the contributions that they have made.

So we are very pleased to come before you and give you a report on our work. We were very excited about the possibility of working and collaborating with other colleagues from around and, with your leadership, creating a sorely-needed American Indian University, a university without walls that can allow us to work together under a technological connection. Today's information and telecommunications technology make it possible for us to share the expertise that we might have at Evergreen with University of Arizona, and to share curriculum that they might develop at their indigenous law program, or at Harvard, or at Portland State. I think that that technology will make it possible for us to overcome the barriers of distance and geography and other resource limits.

But I don't think this will happen by itself. It will take leadership, and we look forward to working with you, Senator, and thank you again for the opportunity to testify.

[Pprepared statement of Mr. Parker appears in appendix.]

The CHAIRMAN. I am fascinated by your baccalaureate program that you provide through satellites. How do you conduct those classes? By telecommunication?

Mr. PARKER. Primarily they are conducted by a network of community faculty. These are college faculty who live within the community, they are members of the community themselves. We recruited some wonderful people.

But we also have some distance learning. We are connected to a program called "Web CT" where a student can sit down at the computer and input their course assignments; they can receive reading assignments; they can talk with each other on an online basis and discuss in seminar papers that they have written.

The CHAIRMAN. I do not know how many are aware of this, but Alan Parker used to be the staff director of this committee; he sat right here. And during that time, because I knew very little about Indian country—and I am still learning—he advised me on the financial problems of Indian country. Since their lands were all held in trust, they were not subject to alienation for mortgage purposes, and so they were exploited. And so he said, "Why don't we establish a bank?" Well, the bank is just about ready to open its doors. It is going to be a National Indian Bank, made up of Indians, with Indian money, for Indians. So it is going to be exciting.

And now, Dr. Stempff.

STATEMENT OF LINDA MOON STEMPFF, DIRECTOR, MPA PROGRAM, THE EVERGREEN STATE COLLEGE, OLYMPIA, WA

Ms. STEMPFF. I, too, am pleased to be here this morning with my colleague, Alan Parker, and have an opportunity to talk about higher education programs.

I particularly have been working on a Master of Public Administration degree in collaborative administration and tribal governance.

These kinds of programs reaffirm sovereignty through higher education, and education has to be restructured to make the programs really relevant to tribal communities, to say "welcome" to Native students.

Three factors shape the development of this unique program at Evergreen. First, the innovative educational approach at the college and the construction of other programs, begun with the Longhouse, with Alan's Northwest Indian Applied Research Institute, makes it possible to provide a degree program in Public Administration. Our strong partnership with Northwest Indian College, the tribal college nearest us, is also important. It provides the students, in partnership with the college, access to the 4-year degree tribal-based program that Alan has just explained. That is the feeder for the graduate program. It's a tier approach of cooperation and partnership.

The second important part of this educational philosophy is that research and work all involve community participation and relevance. We don't do research just because it is interesting to academics. We do research because the tribes have asked us to do it, and they participate in it.

Third, the delivery structure of the program is designed to provide access to tribes in and out of State, and to benefit tribal nations through the participatory research. It also provides a professional degree to tribal members, who can then return to their communities and qualify for the top jobs, like economic development director, which are often now filled from the outside.

The second part is, why an MPA degree? Well, federally-recognized American Indian tribal nations represent unique models of governance to the field of public administration. The public administration and public policy kinds of degrees involve the basics of how to run a government. The MPA degree is the degree of choice for professional practitioners, and today we have Michael Brintnall out in the audience, and who directs NASPAA, the national accrediting institution for public administration degrees. He has worked with us to consider national standards, to assure that this be an important component of all MPA degrees, and encourage other States to begin this work.

The history of higher education in the United States demonstrates an ongoing failure to engage with the needs of tribal nations and their communities. This failure continues to be particularly true in the area of professional education in public administration, policy, and governance.

Tribal governance takes place in the context of Federal, State, and local government. The concept of governance extends the curriculum to community-managed political-economic structures, such as nonprofit organizations, which are also an important part of the studies today.

We work to engage the concerns and issues of tribal nations. As Joe de la Cruz worked with Alan to establish the Northwest Indian Applied Research Center, Joe never quit. He always had something else for us to do; as soon as that was established, he said, "Well, you need an MPA degree, so get to work on that." He worked with us through a whole series of conferences and surveys and interviews to try to develop a program that was founded in research on applied sovereignty, to affirm the very essential step in nation-building, the legitimization of the structures of government.

These interviews with tribal leaders did support this program, and we got it all the way through the Higher Education Board and through the Governor's office to the legislature, and we are now funded at 50 percent.

Let me move to the end because I know that time is of concern here.

We are meeting to explore and create new curriculum, and we need the research to focus on developing alternatives to the complex political problems that tribes have to work with today. This program is working in close collaboration with Portland State University because they have a very advanced program in interactive technology, using interactive television. We hope to work with them and share the benefits more broadly that way.

By providing a vehicle for gathering knowledge to make informed choices, this curriculum begs the question of how Federal policy interacts with tribal responses. Patterns of internally-drive adaptation become evident in the interweaving of the Federal thread with the unique histories, cultures, and politics of tribal nations creates a tapestry of policy that is colored by Federal policy, but brocaded with tribal uniqueness. And I agree with the other colleagues who spoke earlier; I think these really are models that have important international impacts for indigenous people around the world.

[Prepared statement of Ms. Stempff appears in appendix.]

The CHAIRMAN. I am fascinated by your reservation-based education programs.

Ms. STEMPFF. Yes.

The CHAIRMAN. Are these programs geared to focus on just tribal problems of that area, or all of Indian country?

Mr. PARKER. Senator, I can speak to that.

The curriculum that is offered to the students in the reservation-based programs is a curriculum that is worked out between the faculty, the school, and the community. So it's the curriculum that they feel they need, but we don't call it "Native American studies." It's about community development, it's about sociological issues, it's about health care, it's about community-building, it's an interdisciplinary curriculum that a team of teachers brings to the students.

The CHAIRMAN. If it were not for this reservation-based program, how many of your candidates or students do you believe would have to forego such education?

Mr. PARKER. I think 90 percent of those students would not have been able to go to college and get their degrees.

The CHAIRMAN. Would you suggest that other colleges take a look at your model?

Mr. PARKER. Absolutely, Senator, and that's why we are so interested in working with you on the American Indian University structure, because it is a way to create these models in other States where we have Indian populations, where those institutions should be serving those tribes. And if you can create a model that works somewhere in one part of Indian country, then with some adaptation it ought to work in another part of Indian country. As Linda has described, it's a "feeder." You go from a community to tribal college to the 4-year degree to the graduate degrees and to professional-level training. I think you have to have the whole package to make it meet the needs of the tribes.

The CHAIRMAN. Well, thank you both very much. And we thank you for another Parker member here. [Laughter.]

Christina, who is on the staff as a legal intern, and she is not conducting herself like an intern. She is running the show here. [Laughter.]

So with that, I thank all of you. I hope that we can maintain this relationship as an ongoing effort, because we need your advice. Thank you very much.

[Whereupon, at 11:09 a.m., the committee was adjourned, to reconvene at the call of the Chair.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL, U.S. SENATOR FROM COLORADO, VICE CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS

Thank you Mr. Chairman. Good morning and I welcome our witnesses and thank them for joining us today.

Mr. Chairman I want to thank you for holding this hearing because I believe that we in Congress as well as Tribal Leadership benefit from the kind of intensive research and scholarship that Native American programs carryout in many universities and colleges around the country.

The skills that are necessary for success in today's world are the same in and out of Indian country: Leadership, governance, and management expertise to name a few.

I want to single out one of the programs—the Harvard Project on Indian Economic Development—for what I think is the most cutting edge and pragmatic research regarding the connection between "Good Governance" and Indian development.

With the advent of the Indian Self Determination and Education Assistance Act in 1975 Indian tribes began to "stand in the shoes" of the United States and developing and implementing services formerly provided by the Federal Government.

Tribal Self Governance and "638" Contracting involve tribes managing Federal resources and great strides are being made with nearly one-half of all BIA and IHS programs and services carried out by tribes under contract with the Federal Government.

The experience of the past 25 years has shown that service quality has improved and tribal administrative capacity has been enhanced.

I envision a day when tribes take the next step and generate and manage tribal resources. That to me is real Indian Self Determination. Our witnesses today will help shed light on their research which I think will help Tribes continue to make the strides they are making.

Thank you Mr. Chairman.

Testimony for Indian Affairs Committee hearing
June 21, 2001 Washington D.C.
by
Elizabeth Furse, Director
Institute for Tribal Government
Mark O. Hatfield School of Government
Portland State University

Chairman Inouye and Members of the Committee, thank you for providing me with this opportunity to testify today on behalf of the Portland State University Institute for Tribal Government. I am honored to have been invited and am extremely pleased to see Chairman Inouye once again. I look forward to working with all of you on this exciting and timely opportunity to serve Native American higher education.

I would like to begin by describing the Institute and its background. The Institute for Tribal Government is located in the Mark O. Hatfield School of Government in the College of Urban and Public Affairs at Portland State University in Portland, Oregon. It is a truly unique program offered to elected tribal governments from across the nation.

Need for the Institute
While there are over 500 tribal governments in the United States, each with its own structure, there is no national institution that provides training specifically designed for elected tribal officials. Newly elected officials, in particular, often are unfamiliar with the duties of office and must assume multiple responsibilities without the benefit of structured training. The program's primary purpose, therefore, is to provide tribal elected officials with the education and training necessary to enhance their collective and individual leadership effectiveness.

I have always been impressed with the tireless efforts of tribes--frequently small, impoverished tribes with limited financial and communication resources--to deal with the ever-increasing myriad of complex local, state and federal government jurisdictions tribes encounter on a daily basis. However, it is painfully clear that too often tribes lack the expertise and educational resources necessary to effectively deal with these inter governmental challenges. This often leads to mistrust of tribal government by tribal members, resulting in tribal community instability. Externally in the non-tribal community, tribal credibility may be undermined by such events. Furthermore, precious tribal resources may be wasted or economic or other opportunities missed because of a lack of training or expertise

As a member of Congress from 1993 to 1999 and in my 30 years experience working with tribes, it has always been my observation that tribal elected leaders themselves are the most articulate and effective representatives of their tribal communities. However, too often tribes believe that they must rely on "outside" consultants, who are frequently hired at great expense, to deal with subjects such as inter-governmental relations or

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public awareness on behalf of a tribe. And typically, such experts are not tribal members and are not the most effective or compelling spokespersons for a tribe's interests. A primary goal of the Institute for Tribal Government, therefore, is to build capacitywithin tribes to do this vital work themselves.

When I was first elected to the Congress, all members of the newly elected freshman class were sent to the Kennedy School of Government at Harvard University for a weeklong session on governance. There we learned about our duties and responsibilities as elected leaders and we learned how the legislative process works. That experience with my peers was of tremendous value to me. It was that experience which was the impetus for me to seek the establishment of the Institute for Tribal Government at Portland State University's Hatfield School of Government.

The Origin of the Institute

The work of establishing the Institute began one year ago with an initial meeting of tribal elected officials, Senator Mark O. Hatfield, PSU Dean Nohad Toulon, and myself. We have come a long way in that short time. We have established a Tribal Advisory Board, drawn from noted tribal leaders from across the nation; a Tribal Leadership Archive project, and a curriculum and classroom educational program for tribal elected leaders.

I must make special mention of Senator Hatfield. It was with Senator Mark Hatfield's invaluable guidance and vision that the Institute for Tribal Government was established. Senator Hatfield provides on-going assistance and guidance to the Institute as an honored member of our Tribal Advisory Board. He provides an on-campus presence for the tribes who enter the Institute program and he has continued his legacy of generously contributing his experience and mentoring capabilities to tribal peoples. It is with great respect and admiration that we thank the Senator for his continuing support.
I would also like to thank all of the members of the Oregon delegation, especially Senators Gordon Smith and Ron Wyden, for their tremendous help in successfully funding the Institute in last year's Department of Education appropriations conference report. I would also like to take this opportunity to thank Senator Herbert Kohl of Wisconsin for his efforts on behalf of the University.

The Institute is particularly grateful for the creative and tireless support of the tribes and the Native American community. The Institute reflects the vision and wisdom of many tribal leaders and educators. As we grow in the years ahead, the Institute will rely upon their continued guidance and trust.

The Tribal Advisory Board

Perhaps the most unique and quintessential component of the Institute for Tribal Government is its Tribal Advisory Board. The Board has national representation and is composed of the elected chairpersons of tribes, inter-tribal organizations, and representatives of tribal institutions of higher learning. The Board has actively guided the creation of the Institute, its curriculum and its various program elements.

In addition to the tribal Board members, Senator Mark O. Hatfield, Portland State University President Daniel Bernstine, and Dean Nohad Toulon of the College of Urban and Public Affairs serve as advisors to the Board. It is an extraordinarily creative and energetic group and I am very proud of the many accomplishments it has achieved in its short existence. The Tribal Advisory Board will continue its unique role as the primary policy-making body of the Institute. It will be relied upon to guide the program, the curriculum and will set the future goals for the Institute for Tribal Government.

The Institute Teaching Program

The Institute and its curriculum are designed to serve the needs of elected tribal governments. The core curriculum for the Institute program includes: overview of federal Indian law, history, and policy; the governmental duties and responsibilities of tribes as sovereign governments; practical information on federal legislative, judicial and executive government processes; jurisdiction; studies involving state and tribal relations, and analysis of effective leadership strategies. Additional subjects can be added, depending on the needs identified by a participating tribe. For example, additional topics might include natural resources, or other unique issues with which a tribal government is involved.

This comprehensive academic program is offered to individual tribal governments in an intensive 3-day classroom experience, typically held at the Hatfield School of Government at Portland State University. In instances where there are very large tribal government bodies, as in the case of our upcoming class for the 88-member Navajo Nation Tribal Council in early July, the class will travel to the vicinity of the enrolled tribe. These locally held classes are a cost-saving measure for tribes and will be considered on a case-by-case basis.

Instructors for Institute classes range from law school faculty members specializing in federal Indian law, to experts in Congressional legislative and appropriations processes, authorities on state-tribal relations, former members of Congress and state legislatures, and recognized tribal leaders.

The Leadership Archive Project

In addition to the academic curriculum, the Tribal Advisory Board has identified an urgent need to establish a Tribal Leadership Archive. This project is of great importance to the Board, since many contemporary tribal leaders are elderly and their leadership histories have never been adequately documented. With this project, the oral histories of nationally recognized tribal leaders will be documented on videotape and will be used as a teaching resource in our classes, and will be a resource to other students. The project will focus on national tribal leaders who have been engaged in efforts to educate and heighten awareness of tribal sovereignty. Six oral histories will be conducted this year and will include Billy Frank of the Nisqually Tribe, Wilma Mankiller, Cherokee, Kathryn Harrison, Chair of the Confederated Tribes of the Grand Ronde, among other national tribal leaders. The work will be preserved at the Oregon Historical Society. In future years, we plan to conduct 12 interviews annually. The Tribal Advisory Board will select candidates and guide this project. This effort promises to become an invaluable historical record of leadership involving tribal leaders from across the country.

Funding
Funding for the Institute has been provided by a combination of tribes, private foundations, the U.S. Department of Education, the Administration for Native Americans, and the Bonneville Power Administration. In addition to basic institutional and programmatic support we have secured funding from the Administration for Native Americans for scholarships in years 2001-2002. These monies are being used on a case-by-case basis and will help defray the costs for tribes participating in the course. Tribal tuition will pay for instructors, course materials and related expenses. Tuition is being determined on an individual tribal basis.

For the Tribal Leadership Archive program, the Spirit Mountain Foundation has contributed a start up challenge grant. Future fund-raising efforts will be aimed at providing sufficient funds to conduct approximately 12 video-recorded interviews per year.

What we have planned for this year
After several months of planning last year, we formally launched the Institute in early April of this year and were honored to offer our first class to the Confederated Tribes of the Grand Ronde in mid-April.

To date, we have scheduled the following additional classes for the 2001 year: the Navajo Nation in July; a joint session with several Columbia River basin tribes in early August; the Confederated Tribes of the Warm Springs of Oregon in late August; the Alaska Inter-tribal Council in October in Anchorage, and the Coeur d'Alene Tribe of Idaho in November.

Additionally, we have commitments for classes from several more tribes before the end of the year and are working on scheduling with them for classes during July, November and December. Last but not least, we will be offering training to the employees of the Bonneville Power Administration, an agency that has been increasingly involved with the 13 Columbia River basin tribes in issues ranging from salmon and wildlife restoration efforts, to treaty Indian fishing rights, cultural resources, and energy development.

The Future
The Institute will operate year-round and will be offering approximately one class per month over the course of the next 3 years. We have received tremendous interest in the program from tribes, and anticipate that our schedule will be busy indeed. What makes us unique is that the tribes design their own programs and each is different—depending on tribal needs and interests. We offer customized programs. I believe that this experience and contact with tribal leaders will lead to new insights about the needs of tribes. I look forward to sharing these insights with you over the coming years.

The Tribal Advisory Board is eager to expand it's role by creating a national forum where existing and emerging policies can be analyzed and addressed by tribal governments. We are exploring this exciting idea as an opportunity for tribes to substantively address issues that are important to their culture, economies, and well-being.

In addition to tribal education programs there is increasing interest in training federal, state and local agencies with regard to the unique status of tribal governments and inter-governmental relationships. We hope to expand this effort as a means to help promote lines of communication and understanding between communities and sovereign governments.

Mr. Chairman, you may also be interested in a related effort we are supporting which is the construction of a Native American community center and longhouse on the campus of Portland State University. Planning and fund-raising for this facility is well underway, led in part by the PSU student body. The Center promises to provide an ideal setting for tribal leaders to meet and learn in a culturally sensitive setting that encourages interaction between tribal leaders, Native American students and other students. Some of the classes of the Institute for Tribal Government will be held at this facility whenit is constructed in 2002 and 2003.

Collaboration with Other Institutions

With guidance from the Tribal Advisory Board, the Institute for Tribal Government was founded on the principle that it will actively work with tribal colleges and other tribally oriented institutions of higher education. In that regard, we will continue to work with institutions such as the Morris F. Udall Foundation, The Harvard Project on Native American Economic Development at the Kennedy School of Government, the Evergreen State College Northwest Applied Research Institute, the Lewis and Clark Law School, the University of Colorado Law School, and the Native American Rights Fund. Each of these institutions has directly contributed to our program by giving invaluable guidance on curriculum development and other aspects related to formation of the Institute for Tribal Government. Representatives of several of these programs also serve on our Tribal Advisory Board in order to foster communication and awareness.

We will continue to seek out other educational institutions with which we can associate. This will create an avenue by which tribal leaders and students can be referred to academic programs at Portland State University and other institutions in order to further their education in areas such as Tribal Administration, law, economic development, and governance. We are particularly proud of this effort to maintain a collaborative and mutually beneficial relationship with these other institutions.

We have moved very quickly this past year to make the Institute a reality. But we have an unfinished agenda and still have a long way to go. The Institute has skeleton funding for approximately 3 years, but we need to establish a more permanent funding base in order to give maximum attention to our service programs. Since requests for our programs are growing rapidly, we must secure additional resources from the public and private sectors in order for us to fulfill that demand.

I am pleased to provide you with this update of our progress, and look forward to keeping you apprised of our success in the years ahead. Once again, I thank you for this opportunity to testify, and trust that you will not hesitate to contact me if I can be of assistance to the Committee or its distinguished members.

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Portland State University: A Commitment to the Native American Community

- Employs a **Native American student advisor** who assists with enrollment, guidance and support for Native American students at P.S.U.
- Acts as a host of the **American Indian Science and Engineering Society and United Indian Students in Higher Education**
- Provides scholarship assistance for Native American students through the **Jean Vollum American Indian Scholarship**
- Provides distance learning services to the Grand Ronde, Umatilla and Siletz tribes through the Professional Development Center's **Tribal Administration Program**
- Developing a **Native American Studies Certificate Program** through the College of Liberal Arts and Sciences
- Operates **The Institute for Tribal Government** at the Hatfield School of Government, offering leadership classes and other educational resources to tribes throughout the nation
- Oversees the **Tribal Leadership Archive Project**, which involves interviewing and videotaping selected tribal leaders who have had significant impact on regional and national issues across Indian country
- Developing the **Native American Student Community Center** to provide a place for Native American students to share their values and culture
- Offers the **First American Education Series**, providing seminars about American Indians taught by American Indians
- Created the **Advancing Cross-cultural Education Skills (ACES) program**, a partnership with the University of Texas and Northwest Indian College (NWIC) to teach technology skills to NWIC faculty and preservice teachers
- Sponsored a symposium in March on **"Current Native American Issues in the Columbia River Basin"** attended by approximately 200 people
- Serves Native American children and families through the Child Welfare Partnership, including a Tribal representative on the **"Supervising for Excellence Steering Committee"**
- Requires students to carry out a senior-year capstone project for graduation; a number of capstone projects have focused on **Native American history and culture**: Chemawa Indian School Project, Environmental Education through Native American Lenses, Salmon Corps and the History of Indian Fishing Rights in the Pacific Northwest
- Offers a Master of Public Administration degree with **a specialty in Tribal Administration**, directed by a **Native American Associate Professor**
- Offers college courses that focus on Columbia River Basin studies to **Salmon Corps students at the Umatilla Indian Reservation**
- Employs a **Native American Assistant Professor** in the School of Urban Studies & Planning who specializes in Native American art, literature, and cultural studies
- Employs a **Native American Associate Professor** in the College of Liberal Arts & Sciences who specializes in Native American literature

Before the
United States Senate
Committee on Indian Affairs

Hearings Regarding
Native American Program Initiatives at the College and University Level

Statement of

Dr. Ken Pepion
Executive Director

and

Prof. Joseph P. Kalt
Faculty Chair

Harvard University Native American Program
Harvard University
June 21, 2001

We thank you for the opportunity to appear here today. We represent the Harvard University Native American Program and its affiliated projects. In addition, Prof. Kalt serves as co-director of the Harvard Project on American Indian Economic Development. We would like to take this opportunity to describe the efforts underway at Harvard as the University reinvigorates its commitment to American Indian issues, students, leaders, and nations. Recent investment in the University's efforts make this an important and exciting time that holds the promise of bringing Harvard's considerable resources to bear in a positive way on the challenges of nation building in Indian Country.

Over its long history, Harvard University has been inconsistent in its attention and commitment to Native issues. Yet, its founding Charter of 1650 dedicates Harvard to "the education of English and Indian youth". Now, at the start of the 21st Century, the leadership of the University has renewed its commitments and is staunchly supporting the development of teaching, research, and outreach aimed at contributing positively to Indian Country. We know it is surprising to many people to find out how much is happening at Harvard when it comes to Indian issues, but the University is stepping forward in important and strategic ways. Let us describe those briefly

I. HUNAP: A New "Interfaculty Initiative"

In April 2000, the Provost of the University designated the Harvard University Native American Program (HUNAP) as one of Harvard's ten Interfaculty Initiatives. As an Interfaculty Initiative, HUNAP brings together resources, faculty, and students from across the University in a shared commitment to research, academic achievement, and public service that advances the well-being of indigenous peoples through self-determination. This focus on self-determination reflects the salient trait of the challenges faced by Native leaders, officials, and policymakers today, and the strategic vision of HUNAP is focused on the challenges of building Native nations that can effectively promote the social, political, and economic well-being of their citizens and communities.

HUNAP operates under the direct supervision of its executive director, Dr. Pepion. He is supported by a Faculty Advisory Board consisting of faculty and senior administrators from all of the University's schools, ranging from the undergraduate college to the graduate schools in law, medicine, business, government, public health, and education. An external advisory council brings together Native leaders and alumni, as well as other supporters with strong records of knowledge and involvement in Indian affairs. The advisory council provides HUNAP with indispensable links to the concerns of Indian Country and

Native communities. The central University administration provides direct financial support for HUNAP's core operations. Support for HUNAP and its affiliated projects also comes from committed individuals and concerned private foundations (such as the Christian A. Johnson Endeavor Foundation, the Ford Foundation, and the Rockefeller Foundation).

The firm institutional base of HUNAP has enabled us to build the key infrastructure that is needed to move Native American matters into the teaching, research, outreach, and student recruiting that are at the core of a great university. Our efforts are founded on the beliefs that any work that the University does in this field should be able to make a difference in the real world in which indigenous people are addressing the problems and opportunities that confront them; that the University's role is to provide resources when requested rather than unwelcome dictated solutions; and that the learning of students and researchers cannot be served by staying in the ivory tower of academe. With these principles in mind, we are now moving forward across a diverse array of programs and activities. These include:

- **The Scholars Program.** HUNAP's Scholars Program now supports pre-doctoral fellows, visiting Professional Fellows, and a visiting Senior Faculty Fellow. The pre-doctoral "1665 Fellows" (after the graduation date of Harvard's first Native student) have the opportunity to discuss their research in a collegial atmosphere, and to participate in a weekly seminar chaired by the Senior Fellow. This community of scholars, focusing on Native American issues, brings vitality to all aspects of HUNAP. Importantly, the Scholars Program makes Harvard a much more attractive graduate school alternative for the young Native scholars who will go on to make careers as academics, researchers, and professionals across a wide array of disciplines.

- **Student Enrichment.** Student support continues to be a major function of HUNAP. As a focal point for Native American student activity at Harvard, a dedicated facility (Read House) provides a gathering place for intellectual and cultural exchange. Through the office of the Program Coordinator, Mr. Lee Bitsoi, HUNAP works with Harvard's various recruitment and admissions offices to increase the number of Native Americans applying to and enrolling at the University. We are expanding our recruiting efforts and increasing financial aid, which is so critical to making it possible for qualified Native students to enroll and survive at Harvard.

- **Teaching and Curriculum.** HUNAP supports numerous courses focused exclusively on Native American issues, and a growing number of courses that include Native content. Highly successful offerings in *Native Americans in the 21st Century: Nation Building I and Nation Building II* are open to graduate and undergraduate students from throughout Harvard. The curriculum focuses on the challenges of decision makers in Indian Country today, but grounds discussions of tribal government, federal policy, economic development, social programs in Indian law, history and culture. The *Nation Building II* course offers students the unique opportunity to develop a research report on a real-world problem as brought to HUNAP in requests from tribes and other Indian organizations. Recent projects have included:
    - Huron Potawatomi – Governmental Reform for Economic Development
    - Mescalero Apache – Employment and Retention of Apache College Graduates
    - Cheyenne River Sioux – Development of Youth Recreational Facilities
    - American Indian Women's Business Association – Strategic Plan

- Hualapai – Creation of a Hualapai Department of Justice
- Poarch Creek Muscogee – Tribal Political History
- White Mountain Apache – Fisheries Management for Self-Determination and Economic Development
- Hopi – Development of Technology Policy for Hopi Institutions
- White Earth – Education Strategies for Hearing-Impaired Students
- Tribal Environmental Protection Agencies – Protocols for Development of TEPA Programs
- Diné College – Development of an Economic Research Initiative
- White Mountain Apache – Job Search Curriculum for the Strong Fathers Program
- Massachusetts Dept. of Indian Affairs – Options for a Statement of Apology or Reconciliation

With the agreement of the organization requesting the *Nation Building II* research projects, the results of these projects are widely disseminated throughout Indian Country in recognition of the fact that many Native leaders are struggling with similar challenges.

In addition to the *Nation Building* courses, HUNAP offers the *1665 Graduate Research Seminar* for researchers from throughout the University to share ideas and results. The course on *Critical Issues in the Education of Native Americans* in our Graduate School of Education provides insight into the policy, organizational, and curricular frontiers of Indian education. Similarly, the Law School annually offers a modular course on American Indian law (most recently taught by Prof. Rob Williams of the University of Arizona). A new initiative pilots (with Hopi high school students) an effort to expose Native students to medical fields, science, and mathematics during a summertime program at Harvard. Additional curricular offerings are high on

HUNAP's agenda, and the Program is emphasizing the need to find first-rate Native faculty.

- **Outreach.** Through *Honoring Contributions in the Governance of American Indian Nations* (Honoring Nations), a nationally prominent program of HUNAP's Harvard Project on American Indian Economic Development, tribal organizations are recognized for innovative and exemplary contributions to Indian Country. The Harvard Project plays the critical role of researching and disseminating lessons drawn from Honoring Nations honorees. The Harvard Project and Honoring Nations are described more fully below.

  HUNAP also supports a growing number of outreach efforts that address vital needs of Native American and First Nations communities. The Nation Building II course enables students from all parts of the University to engage in field-based research on problems identified by tribes and other Native organizations – with resulting projects contributing directly to the requesting organizations' decision making capacities.

- **Research.** HUNAP continues to expand its research efforts, reaching across issues and across the University to contribute research of use to scholars, educators, policy makers, and Native leaders. Examples of current research efforts being conducted under the auspices of HUNAP include the widely utilized work of the Harvard Project on American Indian Economic Development, which consistently finds that the effective exercise of sovereignty, combined with capable and culturally-grounded institutions of self-government, are indispensable keys to successful, long-term development of Native communities (see further below). Working with the Onigaming First Nation of Canada, HUNAP researchers are studying strategies for improving the education of Native youth while recognizing desires for self-determination by First Nations. The Comprehensive Indian Resources for Community and Law Enforcement project is supported by the US Department of Justice and entails evaluation of integrated federal funding for tribal justice programs and related comprehensive program planning by Indian nations. Working with the Kennedy School's Carr Center on Human Rights, HUNAP is engaged in case-based research into intergovernmental dispute resolution involving Indian nations and neighboring counties, cities, and states. Research results will serve as inputs to conflict resolution efforts underway in Idaho between the Nez Perce Tribe and its neighboring government entities.

- **Executive Education.** HUNAP sees nation building in indian America as the pressing challenge for Native leaders and decision makers. In perhaps the typical case, however, leaders and decision makers have little opportunity to avail themselves of the kinds of mid-career education that corporate and government leaders can so readily access. At the same time, the issues and decisions confronted in Indian Country span the range from business to government to nonprofit policy. HUNAP thus sees a critical need in the area of executive education.

With HUNAP's integrating focus on nation building, the Program is uniquely situated – and in much demand – as a provider of high quality executive education for Indian Country. HUNAP has already developed and provided programs on matters ranging from dispute resolution and constitutional reform to health policy and business development. Tribes and other organizations that have been provided with executive education programs have included the Navajo Nation, the Crow Tribe of Montana, the Oglala Sioux Tribe, the Fort Peck Assiniboine and Sioux Tribes, the

Swinomish Nation, the Indian Health Service, Minnesota Public Radio, and the Banff Center for Leadership and Management.

II. The Harvard Project on American Indian Economic Development

One of HUNAP's primary programs in Indian Country is the Harvard Project on American Indian Economic Development. The Harvard Project was originally founded and directed by Prof. Kalt and Prof. Stephen Cornell (now director of the Udall Center for Studies in Public Policy at the University of Arizona), with Dr. Manley Begay (now at the University of Arizona's Native Nations Institute) subsequently joining as a co-director. Since its beginning in 1987, the Harvard Project has sought to understand the conditions under which sustained, self-determined social and economic development is achieved among American Indian nations. The Harvard Project's central activities include research and the application of research results in service to Indian Country.

- **Key Findings:** The heart of the Harvard Project is the systematic, comparative study of social and economic development on American Indian reservations. What development strategies work, where and why? The Project's field-based research in Indian Country consistently finds that the effective exercise of sovereignty, combined with capable, culturally appropriate institutions of self-government, are indispensable keys to successful, long-term development. Among the key findings are:

- ***Sovereignty Matters***. When tribes make their own decisions about what approaches to take and what resources to develop, they consistently outperform non-tribal decision makers. Because tribes bear the consequences of their governments' decision-making - whereas federal agencies, non-tribal developers, state governments and other outsiders do not - tribes that make their own development decisions do better. Harvard Project research on topics as diverse as timber operations under PL 93-638 and Indian Health Service programs under self-governance compacts prove the point.
- ***Institutions Matter***. Harvard Project research shows that successful tribal governments share a set of core institutional attributes. They settle disputes fairly, separate the functions of elected representation and business management, and successfully implement tribal policies that advance tribal strategic goals. Fair dispute resolution – a rule of law – is essential to the accumulation of human capital, physical infrastructure and investment finance because it sends a signal to investors of all kinds that their contributions will not be used inappropriately or taken over unfairly. Separating business and government is critical because many Indian businesses are government-owned. Finally, effective administration is a feature of successful tribes because, without it, legitimacy deteriorates and sovereignty is eroded as opportunities go untapped or other powers fill the vacuum left by weak tribal government.
- ***Culture Matters***. Not long ago, it was widely believed that acculturation was a means to development. Indians, they argued, would develop as soon as they shed their "Indian-ness." Research by the Harvard Project finds exactly the opposite: Indian culture is a resource that strengthens

tribal government and has concrete impacts upon such bottom-line results as forest productivity and housing quality. Not only does culture provide important institutional resources, but a match between institutions of government and culture is critical to success.

Results of Harvard Project research are published widely. Summary treatments are provided in "Reloading the Dice: Improving the Chances of Economic Development on American Indian Reservations," in *What Can Tribes Do? Strategies and Institutions in American Indian Economic Development* (edited by Cornell and Kalt, American Indian Studies Center, UCLA, Los Angeles, California) and in "Sovereignty and Nation-Building: The Development Challenge in Indian Country Today," vol. 22, no. 3, of the *American Indian Culture and Research Journal*. More than 100 topical and tribe-specific reports are available through the Harvard Project's Report Series. These papers provide valuable tools for decision makers in government, business, education and other aspects of Indian affairs.

- **Services to Tribes and Tribal Organizations:** Reflecting the same principles that guide other HUNAP efforts, the Harvard Project on American Indian Economic Development works extensively with tribes and tribal organization through several avenues:
    - ***Research*** – The Harvard Project offers research services at the request of tribes and tribal organizations. With the assistance of faculty, graduate students and research assistants at Harvard University's John F. Kennedy School of Government, the Project investigates development and other policy-related issues of concern to tribes and Native communities. Research services have been provided in response to requests from a wide

range of organizations and tribes, including the Navajo Nation, Ho-Chunk, Wampanoag, the Alaskan Federation of Natives, Fort Peck, White Mountain Apache, the Arizona Indian Gaming Association, the Crow Tribe of Montana, Fond du Lac, Hopi, Cochiti Pueblo, the Oglala Sioux Tribe, Hualapai, Fort Berthold, the Native American Indian Center of Boston, and many others. Research results derived from fieldwork are key ingredients in the broader research findings published by the project.

  - ***Executive Education*** – We provide executive education sessions with individual tribes and First Nations, involving Native leaders, project managers and other personnel in a review of Harvard Project research findings and in discussions of the applicability of those findings to specific tribal or First Nation situations and development challenges. Executive education programs are focused on constitutional reform, economic development, and strategic management. A new strategic partnership with the Native Nations Institute at the University of Arizona (see further below) is designed to expand the capability of the Harvard Project to deliver executive education to Native leaders and decision makers.
  - ***Advisory Services*** – Harvard Project personnel consult with tribes and tribal organizations on a wide array of issues, from strategic planning to the development of governing institutions to assisting with economic development decisions. These services are provided on a *pro bono* basis.

- ***Honoring Contributions in the Governance of American Indian Nations***: Honoring Nations was created in 1998 by the Harvard Project on American Indian Economic Development. It is an annual awards program that identifies, celebrates and shares outstanding examples of self-governance among American Indian nations in the United States. Honoring Nations is supported by the Ford Foundation, which is a resource for innovative people and institutions worldwide. Supplemental support is provided by the Rockefeller Foundation.

Modeled after successful governmental "best practices" programs in Brazil, the United States, and the Philippines, Honoring Nations spotlights American Indian tribal government programs, practices, and initiatives that are especially effective in addressing key needs, problems, and challenges facing American Indian nations. Honorees are selected through a competitive process on the basis of the effectiveness, creativity, transferability, significance, and sustainability. The program is directed by Mr. Andrew Lee, executive director of the Harvard Project, and is guided by an advisory board comprised of experienced leaders from the public, private, and nonprofit sectors in Indian Country.

Honoring Nations is founded on the research of the Harvard Project, which finds that Indian tribes' ability to create and sustain effective governing institutions is essential for breaking cycles of dependence and building healthy, prosperous nations. By celebrating and sharing "ideas that work" in tribal governance, Honoring Nations seeks to provide best practices education and information to tribal leaders and public administrators of the more than 550 Indian nations in the United States. At the same time, Honoring Nations seek to shift focus from what doesn't work to what does work in tribal self-governance, reinforcing pride and confidence in the ability of tribal governments to make positive contributions to the well-being of their respective communities and citizens.

The honorees in the first two years of Honoring Nations have spanned the complex challenges of nation building activities in Indian Country, with program areas represented ranging from health care, education, and wildlife management to constitutional reform, cultural affairs, and economic development. These truly outstanding examples of self-rule represent best practices not only in Indian Country, but among nations everywhere.

- **Strategic Partnerships – The Native Nations Institute:** In partnership with the Udall Center for Studies in Public Policy at the University of Arizona, the Harvard Project has supported the creation in 2001 of *The Native Nations Institute for Leadership, Management, and Policy* at the University of Arizona. The Native Nations Institute serves as a self-determination, development, and self-governance resource to indigenous nations in the United States, Canada, and elsewhere. It addresses the challenges of indigenous nation building through:

  - ***Leadership and Management Programs*** providing customized education for present and future leaders of American Indian and other Native nations;
  - ***Policy Analysis*** on issues of critical importance to those nations;
  - ***Basic Research*** on the foundations of sustainable, self-determined, economic and community development;
  - ***Collaborative Relationships*** with Native nations and organizations.

At the heart of the Native Nations Institute's educational activities is the common curricular focus on nation building that emerges from the research of the Harvard Project on American Indian Economic Development: developing indigenous capacities for the effective exercise of sovereignty and the effective pursuit of comprehensive economic and community development. Core curricular elements include institutional development and design, strategic thinking and policy, effective leadership and management, and the construction of productive relationships with other governments and constituencies. With the University of Arizona's institutional commitment, extensive Native and non-Native faculty focused on Indian issues, and locational advantages vis-à-vis Indian Country, the Native Nations Institute provides the Harvard Project with a strategic mechanism for maximizing the ability of the Project to provide research results to Native leaders, managers, and decision makers. We believe pursuing such a goal is a proper role for Harvard University.

NATIVE NATIONS INSTITUTE
FOR
LEADERSHIP, MANAGEMENT, AND POLICY

Manley A. Begay, Jr., Ed.D., and Stephen Cornell, Ph.D.[1]

The Native Nations Institute (NNI) serves as a self-determination, development, and self-governance resource to indigenous nations in the United States, Canada, and elsewhere. Its programs address the challenges of nation-building through:

- *Leadership and Management Programs* designed to train present and future leaders
- *Policy Analysis* on issues of critical importance to indigenous nations
- *Basic Research* on the foundations of self-determined economic and community development
- *Collaborative Relationships* with Native nations and organizations.

Founded by The University of Arizona and the Morris K. Udall Foundation, NNI is part of the Udall Center for Studies in Public Policy, a research and outreach unit of the University. NNI is an outgrowth of the research and related work of the Harvard Project on American Indian Economic Development.

Background

The last two decades have seen a remarkable change in the governing and economic situations of American Indian nations. In the 1970s, the federal government moved to a policy of self-determination for Indian tribes. Assertive Indian nations have used the opportunity opened by this policy to take dramatically increased control of their own affairs, realizing in practice much of the sovereignty long recognized and promised in treaties, court decisions, and legislation.

Such assertions, however, have posed major leadership, management, and policy challenges for Indian nations. Confronted with many of the same institutional, strategic, and administrative problems faced by most contemporary societies, many of these nations also confront burdensome legacies of colonialism. They are trying not only to rebuild productive economies but to maintain distinctive cultural practices, control and rechannel often destructive forces of change, and maintain a maximal degree of political autonomy within the sometimes hostile political atmosphere of the United States, where tribal sovereignty has been recurrently under attack over the last half century.

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[1] *Manley A. Begay, Jr.* is Director of the Native Nations Institute at the Udall Center for Studies in Public Policy at The University of Arizona, where he also is Senior Lecturer in American Indian Studies. He also serves as Co-Director of the Harvard Project on American Indian Economic Development. Dr. Begay is a citizen of the Navajo Nation and a graduate of Diné College and of The University of Arizona. He holds an Ed.D. degree from Harvard University, where he was Lecturer in Education until moving to The University of Arizona in the summer of 2000.

Stephen Cornell is Director of the Udall Center for Studies in Public Policy at The University of Arizona, where he also is Professor of Sociology and of Public Administration and Policy. He also serves as Co-Director of the Harvard Project on American Indian Economic Development. Dr. Cornell holds a Ph.D. in sociology from the University of Chicago and has served on the sociology faculties at Harvard University and at the University of California, San Diego. He joined the Arizona faculty in 1998.

All too often, these nations face these complex tasks with only limited contemporary experience in sovereign government and meager informational and educational resources. Indian leaders often have to make momentous decisions without the benefit of the focused, customized educational experience that the leaders of other societies find readily available at leading educational institutions or through major executive education programs. Tribal governments also typically lack access to the kinds of policy analyses that other governments regularly employ in making major policy decisions. Indeed, tribal leaders have often called for access to the kinds of sophisticated policy resources that traditionally have been part of the decision-making processes of non-Indian governments in the United States and elsewhere.

The Native Nations Institute for Leadership, Management, and Policy is a direct response to this need and to similar needs among First Nations in Canada and indigenous groups elsewhere in the world. Formally established by the State of Arizona Board of Regents in January 2001, NNI's purpose is to make available to Native nations comprehensive, professional training and development programs of the highest quality designed specifically to meet the educational needs of indigenous leadership and management, and to provide those nations and other policymakers with outstanding policy analysis and basic research presented in usable, accessible form. Its overall goal is to make a long-lasting, practical contribution to the effort of indigenous nations to improve the economic and social well-being of their peoples and regain effective control of their own futures.

Participating Organizations

The University of Arizona is both a land-grant institution and a front-rank research university located in a state with a substantial Native American population. It has major faculty resources focused on the needs of Indian nations and other indigenous peoples and a large, talented, and diverse group of Native American faculty located in a wide array of academic programs. The university has extensive experience with executive education programs, applied research, and community outreach. Its American Indian Studies Program is one of only two Ph.D.-granting Indian Studies program in the country and has the largest concentration of Indian faculty working in Indian Studies in the nation. The university also has a long history of involvement in Indian Country and a vigorous institutional commitment to serving Native nations. It is moving aggressively to expand and strengthen that commitment. NNI enjoys strong relationships with the university's American Indian Studies Program, Rogers College of Law, Eller College of Business and Public Administration, and Center for Native American Health in the College of Public Health.

The Morris K. Udall Foundation for Scholarship and Excellence in National Environmental Policy is an executive branch federal agency established by Congress in 1992 to honor Morris Udall's thirty years of service in the U.S. House of Representatives. The Foundation's activities echo Udall's concerns: the environment, Native American policy, and public policy conflict resolution. Its activities are supported by the interest accrued in a federal trust fund and by private sector contributions. The Foundation sponsors conferences, provides scholarships to students working on Native American policy topics, and runs the Native American Congressional Summer Internship program. The Foundation is committed to finding effective ways of supporting the educational and policy needs of Indian leadership.

NNI builds directly on fifteen years of research and education by the ***Harvard Project on American Indian Economic Development.*** Founded in 1987 at the John F. Kennedy School of Government at Harvard University, this is the most comprehensive effort ever undertaken to understand the sources and dynamics of economic and political success on American Indian reservations. Over the last decade, the Harvard Project has provided extensive applied research, *pro bono* consulting services, and management and leadership training to well over 100 American Indian tribes and Canadian First Nations. To date, its research program has produced the largest existing body of policy-relevant material of practical use to tribal leaders and managers and has completed more than 200 policy projects in response to requests from Indian nations and organizations. The Harvard Project and NNI share objectives and some staff and work closely together on numerous projects. Harvard Project research forms the intellectual foundation of NNI's educational programs.

Program Components

1. Leadership and Management Programs

NNI's leadership and management programs provide present and future indigenous leaders with customized, research-based education designed to respond directly to the demands of nation-building. These programs include:

- Executive education for senior Native leaders and managers through one-day to one-week-long, intensive sessions;
- Development of case-based curricular materials in governance and economic and community development for use by tribal colleges and other institutions;
- Leadership and entrepreneurship training for Native youth.

NNI's executive education programs are modeled on the kinds of executive education readily available to new members of Congress, Fortune 500 corporate executives, state legislators, and others through the nation's leading business and policy schools. The difference: NNI's executive education sessions are specifically designed to address the issues that Native leadership faces, and the content is grounded in the most extensive research on governance and development ever carried out in Indian Country.

The curricular focus in all of NNI's leadership and management programs is on nation-building and leadership: the tasks of building—and leading—capable, healthy, and economically prosperous Native nations that control their own futures. Primary elements of the curriculum include: *Nation-Building*: the construction of effective institutions of self-government designed to meet the distinctive circumstances, needs, and priorities of Native nations; *Strategic Planning and Policymaking*: the tools needed to make informed, strategic policy decisions; *Administration/Management*: the "nuts and bolts" of getting things done; *External Relations*: the construction of productive relationships with federal and state/provincial governments and other constituencies with whom Native nations must deal to realize their own designs. The primary curricular concern is less with technical assistance—well supplied by other programs in other places—than with the foundational tasks of institutional, strategic, and policy development.

Leadership and Management Programs: Examples

- **In partnership with the Harvard Project on American Indian Economic Development, NNI organized a two-day executive education program on "Leadership, Governance, and Economic Policy" for the Navajo Nation Council, held in Flagstaff in early May. Under the sponsorship of Edward T. Begay, Speaker of the Council, NNI led more than 70 council delegates and tribal senior staff through a series of sessions on self-governance and business development.**

- **NNI led two days of discussions with the leaders of seventeen First Nations from the Yukon and British Columbia in Whitehorse, Yukon, in March. Topics included self-determination, governmental design, and development strategy. The sponsor was the Council of Yukon First Nations.**

- **In August, NNI will lead a week-long Native American Youth Entrepreneur Camp at The University of Arizona to expose Native American high school juniors and seniors to the world of business and economic development on Indian lands and to help them develop entrepreneurial skills.**

- **NNI and the Harvard Project are collaborating on a book of case studies on tribal self-governance, enterprise development, and leadership titled *Resources for Nation-Building: Strategies, Cases, Tools for Indigenous Self-Determination*.**

2. Policy Analysis

Indigenous nations today wrestle with classic problems of contemporary societies: how to build effective, sovereign governments; how to develop vigorous economies that fit their circumstances and cultures; how to solve difficult social problems; how to manage environment and natural resources; how to balance change and cultural integrity; how to achieve their own objectives in interaction with other governments; and so forth. Such problems present major policy challenges for Native nations, just as they do for other societies, yet these nations often lack the time, resources, or personnel necessary to analyze such issues adequately.

NNI's policy analysis component draws on Indian Country and university resources to help meet these challenges through rigorous research and analysis made accessible to Native nations. These analyses—initiated by Native nations and organizations or by NNI itself—are grounded in the experience of Native nations and directly involve Native communities.

Policy Analysis: Examples

- NNI has joined the National Congress of American Indians and the Kathryn M. Buder Center for American Indian Studies at Washington University, St. Louis, in preparing data and supporting documents for NCAI's use in discussions this coming fall on Congressional reauthorization of tribal Temporary Assistance to Needy Families (TANF) programs. These organizations also are discussing a longer-term research project on TANF and tribal responses to welfare reform.
- At the request of the Arizona Indian Gaming Association (AIGA), NNI, through the Udall Center for Studies in Public Policy and in partnership with Lexecon Inc., an economics consulting firm, carried out a preliminary analysis of the impact of Indian gaming on the Arizona state economy. A more detailed analysis is under discussion with AIGA.

3. Basic Research

Since the late 1980s, the Harvard Project on American Indian Economic Development has carried out extensive research on indigenous self-governance and economic development. This research was occasioned by dramatic cases of sustained, self-determined economic development emerging across Indian Country, many of them not tied to the recent development of niche markets in gaming, and all of them standing in stark contrast to the widespread and seemingly entrenched legacy of reservation poverty. Through systematic, comparative research, the Harvard Project has shown conclusively (1) that indigenous nations can be successful at achieving sustainable development that follows their own designs, and (2) that the keys to successful development lie in genuine self-determination that is backed up by effective governing institutions that match indigenous political cultures. This research has become an important resource to Native nations both in the United States and elsewhere around the world.

NNI is continuing this research effort as well as the effort to widely disseminate the results among indigenous nations. Part of the purpose of this work is to contribute to the growing global dialogue about the necessary and sufficient conditions for economic growth and development. Indian Country is distinctive—but it also is representative in important ways of numerous communities around the world that languish in poverty. Our experience suggests that Indian Country research may find application in unexpected places. Today, both NNI and the Harvard Project field a growing number of inquiries from New Zealand, Australia, Africa and elsewhere about the success stories that some of

North America's indigenous peoples are beginning to be able to tell. Indeed, we are convinced that American Indian nations have development lessons to offer the world.

Basic Research: Examples

- **Leadership is often talked about as a critical component in successful economic development, but there is little information in the policy or academic literatures on just what leadership most usefully does in the development context. NNI is engaged in a study of the role and limitations of leadership in economic development processes among indigenous peoples.**
- **In collaboration with the Harvard Project on American Indian Economic Development, NNI is exploring links between self-determined economic development and the mitigation of social problems such as suicide.**

4. Collaborative Relationships

NNI forms collaborative relationships with Native nations and organizations to advance nation-building processes, analyze policy options, promote strategic thinking, and develop solutions to difficult governance and development problems.

Collaborative Relationships: Examples

- **The White Mountain Apache Tribe in Arizona has asked NNI's assistance in a strategic planning process, lasting from June through September, linked to the tribe's efforts to participate in certain federal programs. NNI will work closely with a steering committee composed of senior tribal managers and other citizens.**
- **The Ktunaxa-Kinbasket Tribal Council (KKTC) in British Columbia asked NNI to assist them in thinking through the challenges of organizing five First Nations in a single tribal council, occasioned in part by the ongoing British Columbia Treaty Process. NNI carried out research on the ground and then followed with a two-day workshop with KKTC leaders.**
- **NNI is in the process of negotiating collaborative relationships with two New Zealand institutions particularly concerned with Maori governance and development issues: one with the School of Maori and Pacific Development at the University of Waikato, and one with the Mira Szászy Centre for Māori and Pacific Island Economic Development and the James Henare Māori Research Centre at the University of Auckland. The relationships will include promotion of cooperative research, sharing of data, and other joint efforts to provide services to indigenous nations.**

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Organization and Senior Staff

The Native Nations Institute is part of the Udall Center for Studies in Public Policy, a research and outreach unit of The University of Arizona, organized under the Vice Presidency for Research and Graduate Studies.

The activities of NNI proceed in frequent consultation with an International Advisory Council composed of 23 Native leaders, professionals, educators, and tribal citizens from the United States and Canada. A list of Council members is included at the end of this document.

NNI senior staff include:

Manley A. Begay, Jr., Ed.D. (*Navajo*), Director
Joan Timeche, MBA (*Hopi*), Assistant Director
Miriam Jorgensen, Ph.D., Senior Policy Scholar
Stephen Cornell, Ph.D., Director, Udall Center for Studies in Public Policy

Funding

Start-up funding for NNI has come from the Ford Foundation, The University of Arizona, the Morris K. Udall Foundation, and other sources. Some funds also come from contracts for policy research and tuition for educational programs. NNI is currently involved in a major effort to raise additional funds.

NATIVE NATIONS INSTITUTE FOR LEADERSHIP, MANAGEMENT, AND POLICY

International Advisory Council

The NNI International Advisory Council meets three times a year.
Less formal consultation occurs on a continuing basis.

Co-Chair, **George Bennett** (Ottawa and Chippewa)
Immediate past Chairman
Grand Traverse Band of Ottawa and Chippewa Indians
Michigan

Co-Chair, **Sophie Pierre** (Kootenay)
Chief
St. Mary's First Nation
Tribal Administrator
Ktunaxa / Kinbasket Tribal Council
British Columbia

Lester Jack Briggs (Ojibwa)
President
Fond du Lac Tribal and Community College
Minnesota

Gregory Cajete (Santa Clara Pueblo)
Professor of Education
University of New Mexico

Duane Champagne (Turtle Mountain Chippewa)
Professor and Director
American Indian Studies Center
University of California, Los Angeles

Raymond Cross (Mandan-Hidatsa)
Professor of Law
University of Montana

David Gipp (Lakota)
President
United Tribes Technical College
North Dakota

Denny Hurtado (Skokomish)
Chairman
Skokomish Indian Tribe
Washington

Vernon James (Apache)
Executive Director
Health and Human Services
San Carlos Apache Tribe
Arizona

Willie Kaysulie (Yup'ik)
Tribal Operations Specilaist
Akiachak Native Village
Alaska

Edward Manuel (Tohono O'odham)
Chairman
Tohono O'odham Nation
Arizona

Elsie Meeks (Lakota)
Executive Director
Oweesta Corporation
First Nations Development Institute
South Dakota

Mike Mitchell (Mohawk)
Grand Chief
Akwesasne Mohawk First Nation
Ontario

Regis Pecos (Cochiti Pueblo)
Governor
Cochiti Pueblo
New Mexico

Jaime A. Pinkham (Nez Perce)
Manager
Department of Fisheries Resources
Nez Perce Tribe
Idaho

Dalee Sambo Dorough (Inupiat)
Executive Director
Indian Law Resource Center
Alaska

Gerald Sherman (Lakota)
Program Officer
Four Times Foundation
Montana

Steve Stevens (Crow)
Commissioner
Crow Tribe Public Utility Commission
Crow Tribe of Montana

Wayne Taylor (Hopi)
Chairman
The Hopi Tribe
Arizona

Robert Valencia (Yaqui)
Chair
Pascua Yaqui Tribe
Arizona

Beverly Wright (Wampanoag)
Chair
Wampanoag Tribe of Aquinnah
Massachusetts

Peterson Zah (Navajo)
Past President and Chairman
Navajo Nation
Advisor to the President
Arizona State University

Patricia Zell (Arapaho/Navajo)
Democratic Staff Director & Chief Counsel
Senate Committee on Indian Affairs
Washington, D.C.

TESTIMONY BEFORE THE UNITED STATES SENATE COMMITTEE ON INDIAN AFFAIRS - OVERSIGHT HEARING ON NATIVE AMERICAN PROGRAM INITIATIVES AT THE COLLEGE AND UNIVERSITY LEVEL

JUNE 21, 2001

Submitted respectfully by:

(1) S. James Anaya, Co-Chair to the Indigenous Peoples Law and Policy Program and the Samuel M. Fegtly Professor of Law;

(2) James Hopkins, Director & Associate Clinical Professor of the Indigenous Peoples Law and Policy Program;

(3) Toni M. Massaro, Dean and Milton O. Riepe Chair in Constitutional Law, the University of Arizona James E. Rogers College of Law.

The University of Arizona
James E. Rogers College of Law
Master of Laws (LL.M.) Program in Indigenous Peoples Law and Policy

Good morning Chairman Campbell, Vice-Chairman Inouye, and distinguished members of the Committee. It is an honor to be invited to provide testimony before the Senate Committee on Indian Affairs. I am Toni M. Massaro, Dean and Milton O. Riepe Chair in Constitutional Law at the University of Arizona James E. Rogers College of Law. It is with great pleasure that I introduce to you my two colleagues who will be speaking about our new LL.M. program in Indigenous Peoples Law and Policy. James Hopkins is the Director and Associate Clinical Professor for the Indigenous Peoples Law and Policy Program and seated next to him is James Anaya, Co-Chair to the Indigenous Peoples Law and Policy Program and the Samuel M. Fegtly Professor of Law.

PART 1 - TESTIMONY OF PROFESSOR JAMES HOPKINS

Addressing the Legal Issues of Indigenous Peoples in the 21st Century:

Thank you, and it is a great honor to be here. The legal, economic and social policy issues that face indigenous peoples globally represent some of the most important challenges of the 21st Century. In the United States, Canada, Latin America and around the world, indigenous peoples confront a wide variety of legal challenges, urge changes in national laws and legislation, and rely on international legal principles to achieve protection of their cultural resources, autonomy and heritage, and sustainable economic and community development. These challenges present an array of complex and entirely new issues and concerns for Native and non-Native lawyers, businesses, governments, and other decision-makers involved in indigenous peoples' law and policy.

To meet the challenges, the James E. Rogers College of Law at the University of Arizona is offering a Master of Laws (LL.M.). in Indigenous Peoples Law and Policy beginning in July 2001. Graduate law students from the United States and around the world will come to Tucson for a specialized program of study designed to produce a generation of highly trained lawyers, policymakers, and legal academics who understand and are prepared to address the unique legal problems and challenges to this important field.

The creation of the LL.M. program permits the College of Law to strengthen its already impressive list of course offerings in the field of indigenous peoples law and policy. With respect to clinical education, the LL.M. program will expand the centerpiece to our hands on training in indigenous law and policy: the LL.M. Indigenous Law Clinic. My colleague, Professor Anaya will address the important work of the Clinic.

PART II – TESTIMONY OF PROFESSOR S. JAMES ANAYA

The LL.M. Indigenous Law Clinic

Thank you. The College of Law has developed a national and international reputation as a leader in clinical legal education for law students interested in the field of indigenous peoples' rights. For the past two decades, The University of Arizona's Indigenous Law Clinic at the James E. Rogers College of Law has provided specialized, faculty-supervised law clinical training to its J.D. degree law students in on-reservation tribal court and tribal government placements. Clinic students have been directly involved in providing legal representation before courts, legislatures and international human rights bodies, legislative drafting assistance, and litigation and policy research support to indigenous peoples and communities.

Their human rights and legal advocacy work in the Clinic has taken them to indigenous communities on the Atlantic coast of Nicaragua, to the Rio Yaqui and Mexican O'odham indigenous communities in Mexico, to the United Nations Human Rights Commission in Geneva, Switzerland, to the Navajo Supreme Court, to the White Mountain Apache Tribal Attorney's Office as well as numerous Indian reservations in the American Southwest and Arizona Indian Country.

Students enrolled in the Indigenous Peoples Law and Policy LL.M. Program will participate in a specially designed graduate LL.M. clinical placement program similar to the J.D. model, the LL.M. Indigenous Law Clinic. The LL.M. Clinic will provide faculty-supervised placements to LL.M. students in tribal courts and tribal governments and with United Nations-recognized indigenous human rights organizations (N.G.O.s) like the Indian Law Resource Center in Helena, Montana.

LL.M. clinical students are going to be working on major indigenous human rights cases before bodies like the Organization of American States Inter-American Human Rights Commission and the Inter-American Court. They will do applied research on projects undertaken by College of Law faculty members at the request of indigenous communities and organizations. The will help represent Clinic clients throughout the United Nations human rights system. They can conduct faculty-supervised legal and policy research on major issues in the field of indigenous peoples law and policy for LL.M. Program-sponsored scholarly publications and community and professional legal education seminars, conferences and workshops.

This will undoubtedly be one of the most important and valuable educational experiences for students in the LL.M. program. Recent Indigenous Law Clinic projects have included:

(A) **The Mayan People of Belize:** in conjunction with the Indian Law Resource Center students in the Indigenous Law Clinic were able to participate in a case that affected the lives of 15,000 Maya people living in the tropical rainforests of Belize. The issue before the Inter-American Commission on Human Rights concerns the allegation that logging and oil developments have been carried out in violation of traditional Mayan land rights and has consequently violated their human rights in accordance with the international obligations undertaken by the Belize government and on principles of international law. On October 20, 2000, the Inter-American Commission on Human Rights delivered a preliminary ruling in favor of the Maya in that the alleged facts, if proven, constitute a violation of Belize's obligation to protect human rights.

(B) **The Awas Tingni People of Nicaragua:** in another joint project with the Indian Law Resource Center students in the Indigenous Law Clinic had the opportunity to assist on a ground breaking case before the Inter-American Court of Human Rights. The Court is being asked to consider the Awas Tingni peoples' human rights complaint that charges a failure by the Nicaraguan government to consult, demarcate, or legally secure indigenous lands prior to the granting of logging concessions. In November, 2000, the Inter-American Human Rights Court held session in San Jose, Costa Rica and marked the Court's first time ever in presiding over a case predicated upon indigenous traditional and communical land rights. The session was of further importance in that it marked the culmination of enormous efforts by the petitioners who filed their claim before the OAS in 1995.

Conclusion

The study of indigenous law reveals common themes of experience throughout the world. The LL.M. program's emphasis on comparative legal and policy analysis, both here in the United States and abroad, promises to respond to the global challenge facing indigenous communities by graduating highly trained lawyers, policy-makers, and future tribal leaders into the field of indigenous law and policy. The University of Arizona and the region benefits as we are quickly becoming one of foremost international destination points for the most advanced graduate level studies in field of indigenous law and policy with an increasing emphasis on clinical and multi-disciplinary curriculum.

On behalf of the Indigenous Peoples Law and Policy Program, we would like to extend our sincere thanks to the Chairman and Vice-Chairman and the distinguished members of the Senate Committee for this hearing on matters that are so critical to future of Native American education initiatives at the college and university level.

Submission to the United States Senate Committee on Indian Affairs oversight hearing into *Native American Program Initiatives at the College and University Level*

Thursday, June 21, 2001

The Master of Laws (LL.M.) Program in Indigenous Peoples Law and Policy
The University of Arizona, James E. Rogers College of Law

SUPPLEMENTAL MATERIALS FOR THE PUBLIC RECORD:

(1) Indigenous Peoples Law and Policy LL.M. Information Brochure;

(2) Press Release by the Indian Law Resource Center regarding the Belize case with Special Counsel, Professor S. James Anaya; and

(3) Press Release by the Indian Law Resource Center regarding the Nicaraguan case with Special Counsel, Professor S. James Anaya.

THE UNIVERSITY OF ARIZONA INDIGENOUS PEOPLES LAW AND POLICY PROGRAM

Submission to the United States Senate Committee on Indian Affairs oversight hearing into *Native American Program Initiatives at the College and University Level*

Thursday, June 21, 2001

The Master of Laws (LL.M.) Program in Indigenous Peoples Law and Policy
The University of Arizona, James E. Rogers College of Law

SUPPLEMENTAL MATERIALS FOR THE PUBLIC RECORD:

(1) Indigenous Peoples Law and Policy LL.M. Information Brochure.

THE UNIVERSITY OF ARIZONA INDIGENOUS PEOPLES LAW AND POLICY PROGRAM

MASTER OF LAWS

in

INDIGENOUS PEOPLES LAW AND POLICY

THE UNIVERSITY OF
ARIZONA.
JAMES E. ROGERS COLLEGE OF LAW

TUCSON ARIZONA

Welcome from the Director

Welcome to the University of Arizona James E. Rogers College of Law Indigenous Peoples Law and Policy Master of Laws (LL.M.) Program. The LL.M. program is designed to offer candidates an intellectually exciting and professionally rewarding graduate legal educational experience in the field of Indigenous Law and Policy. The Program combines high standards in academic scholarship, a diverse curriculum, and a full compliment of specialized fieldwork programs.

By fostering an academic environment committed to promoting a deeper and critical understanding of indigenous peoples' rights, and with the strength and support of some of the world's most distinguished indigenous law and policy scholars on the Faculty, our LL.M. candidates are able to take advantage of this enriching intellectual community situated within the College of Law.

Another key strength is the location of the James E. Rogers College of Law with its Arizona advantage – LL.M. students will study in proximity to a number of vibrant indigenous communities served by the College of Law's Indigenous Peoples Law and Policy Clinic. These factors open the Indigenous Law and Policy Program and its students, both from the U.S. and internationally, to the forefront of intellactual currents on legal research and clinical legal practice. Given that indigenous people face an increasingly complex legal environment, the LL.M. program is internationalized in its focus and attracts lawyers, recent graduates and academics with demonstrated achievement and academic excellence from all over the world.

The LL.M. program offers a glimpse into why the James E. Rogers College of Law is recognized as a leader in field of Indigenous Law. Its goal is to produce graduates who will make their mark in the field as practicing lawyers in the private sector, public interest, non-government organizations, and academia.

The following materials provide more detailed information about the LL.M. program's curriculum, faculty members, and how to apply. I encourage you to review the information and to visit our web site for the most up to date news and information (http://www.law.arizona.edu). Please feel free to contact us if you have any questions.

Yours truly,

James Hopkins
Director, Indigenous Peoples Law and Policy Program
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Summary

The University of Arizona in Tucson, in the heart of the American Southwest and Arizona Indian Country, is widely recognized as one of the world's leading academic centers of learning for the study of indigenous peoples' cultures, histories, languages, laws and human rights. The James E. Rogers College of Law at The University of Arizona has played a major part in developing this leadership role over the past two decades. With the strengths of The University of Arizona in the field of indigenous peoples' studies, the James E. Rogers College of Law, working closely with indigenous peoples, their leaders and their communities, believes strongly that now is the time to inaugurate a new interdisciplinary Master of Laws (LL.M.) Program in Indigenous Peoples Law and Policy, beginning August of 2001.[*] The Indigenous Peoples Law and Policy LL.M. Program, located in the newly remodeled Rogers Rountree Hall on the College of Law campus, will offer a one-year program of study leading toward the Master of Laws degree. The advanced degree LL.M. program is designed to prepare lawyers for meeting the unique and difficult set of challenges and problems confronting international and domestic law reform and policymaking in the field of indigenous peoples' rights in the 21st Century.

The purpose of the Master of Laws Program in Indigenous Peoples Law and Policy is twofold. First, the LL.M. program will educate a carefully selected group of graduate law students from the United States and foreign countries on the most important legal and policy issues confronting lawyers in the field of indigenous peoples' rights, with particular emphasis on indigenous peoples in the United States, Canada, Australia, New Zealand and Latin America. Second, the LL.M. program will strive to promote a deeper, critical, and global understanding of the challenges and problems confronting lawyers and policymakers in the field of indigenous peoples' rights.

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[*] ABA Acquiescence Pending

Mission of the Program: Partnerships and Linkages for a Multicultural World

The Indigenous Peoples Law and Policy LL.M. Program will maintain a number of unique partnerships and close programmatic linkages with other legal, policymaking, academic and indigenous institutions that will significantly enrich and enhance the graduate legal educational experience of its LL.M. students. The LL.M. program will share office space in the Rogers Rountree Hall with the Native Nations Institute for Leadership Management and Policy, established by the Morris K. Udall Foundation and The University of Arizona, in conjunction with the Harvard Project on American Indian Economic Development at the Kennedy School of Government at Harvard University, and in participation with the College of Law. The purpose of the Native Nations Institute is to provide the present and future leadership of American Indian Nations and other indigenous peoples with sophisticated policy and legal analysis, along with specially designed management and leadership training. The Indigenous Peoples Law and Policy LL.M. Program and its students will work together with the Native Nations Institute to develop internships, research projects, workshops and professional training seminars that will foster globally unique exchanges among tribal leaders, scholars, lawyers, judges and other policymakers.

The Indigenous Peoples Law and Policy LL.M. Program has developed other important and innovative programmatic linkages with the National Law Center for Inter-American Free Trade, which conducts ongoing applied research and projects to facilitate trade within the Western Hemisphere, the College of Law Masters in International Trade Law Program, which capitalizes on Tucson's proximity to Northern Mexico and Arizona's leading role in U.S.-Mexican trade and investment to provide excellent opportunities for student research, The University of Arizona American Indian Studies Programs, which offer the Masters and Ph.D. in American Indian Studies, the Indian Law Resource Center in Helena, Montana, the Navajo Supreme Court, the Tohono O'odham Nation Courts, and with leading law schools in the United States, Canada, Australia, New Zealand, and Latin America. The special relationships and joint projects undertaken with these partners will allow the College of Law's LL.M. students to enjoy and reap the many benefits of learning in a graduate legal educational program that aspires to a leadership role in teaching, research, and service in the field of Indigenous Peoples Law and Policy at one of the world's leading academic institutions for indigenous peoples studies.

Indigenous Peoples Law and Policy LL.M. Clinic

The College of Law has developed a national and international reputation as a leader in clinical legal education for law students interested in the field of indigenous peoples' rights. For the past two decades, The University of Arizona Tribal Law Clinic at the James E. Rogers College of Law has provided specialized, faculty-supervised law clinical training to its J.D. degree law students in on-reservation tribal court and tribal government placements. Tribal Law Clinic students have been directly involved in providing legal representation before courts, legislatures and international human rights bodies, legislative drafting assistance, and litigation and policy research support to indigenous peoples and communities. Their human rights and legal advocacy work in the Clinic has taken them to indigenous communities on the Atlantic coast of Nicaragua, to the Rio Yaqui and Mexican O'odham indigenous communities in Mexico, to the United Nations Human Rights Commission in Geneva, Switzerland, to the Navajo Supreme Court, to the White Mountain Apache Tribal Attorney's Office and numerous Indian reservations in the American Southwest and Arizona Indian Country.

Students enrolled in the Indigenous Peoples Law and Policy LL.M. Program will participate in a specially designed graduate LL.M. clinical placement program; the Indigenous Peoples Law and Policy LL.M. Clinic. The LL.M. Clinic will provide faculty-supervised placements to LL.M. students in tribal courts and tribal governments and with United Nations-recognized indigenous human rights organizations (N.G.O.s) like the Indian Law Resource Center in Helena, Montana. LL.M. clinical students will work on major indigenous human rights cases before bodies like the Organization of American States Inter-American Human Rights Commission and the Inter-American Court. They will do applied research on projects undertaken by College of Law faculty members at the request of indigenous communities and organizations. They will help represent Clinic clients throughout the United Nations human rights system. They can conduct faculty-supervised legal and policy research on major issues in the field of Indigenous Peoples Law and Policy for LL.M. Program-sponsored scholarly publications and community and professional legal education seminars, conferences and workshops.

The Indigenous Peoples Law and Policy LL.M. Clinic will undoubtedly be one of the most important and valuable educational experiences for students in the LL.M. program. It will be headed by the Program's Director, James Hopkins, and LL.M. students will be assigned to work with the Clinic's supervising faculty, which includes S James Anaya, the Samuel M. Fegtly Professor Law, Robert A. Williams Jr., the E. Thomas Sullivan Professor of Law and American Indian Studies, and Robert Hershey, Director of the Indigenous Peoples Law Clinic. The Clinic is designed to provide a strong, empirically-based foundation for applied research, advanced teaching and innovations in community service and outreach by graduate law students pursuing the Master of Laws degree at The University of Arizona.

Program Objectives

The principal objectives of the LL.M. program are to provide United States and foreign law graduates, professors and government officials, with (1) rigorous training in the law of indigenous rights under domestic legal systems and under the international human rights system; (2) the opportunity to engage in faculty-supervised legal and policy research on projects relating to indigenous peoples' rights and status under domestic and international law; and (3) advanced graduate legal clinical placement opportunities in Indigenous Law and Policy.

Prospective Applicants

The College of Law seeks a diverse and talented group of lawyers (in terms of country and states of origin, gender, and racial and cultural background) to participate in the Indigenous Peoples Law and Policy LL.M. Program. Lawyers admitted to the program will have demonstrated throughout their careers a high degree of academic achievement, intelligence, self-motivation and ability to perform with distinction in a rigorous graduate legal advanced degree program. We anticipate that because of the quality and unique nature of the Indigenous Peoples Law and Policy Program, the number of highly qualified applicants will far exceed the number that the College of Law will be able to accept. Recruiting will be through law faculties in foreign countries, referrals from the U.S. and foreign government officials, and direct application. We also anticipate considerable interest from J.D. graduates of law schools in the United States, and plan to accept a select number of the best-qualified candidates in terms of academic record and professional achievement.

Description of the Curriculum

The creation of the LL.M. program will permit the College of Law to strengthen its already impressive list of course offerings in the field of Indigenous Peoples Law and Policy and related core issues and problems. The academic course portion of the LL.M. curriculum will consist of at least 24 semester hours of study. It is intended to be flexible, to match the College of Law's diverse academic strengths with the particular interests of LL.M. students (both U.S. and foreign). The basic curriculum design for LL.M. students will include:

- Federal Indian Law I & II; international indigenous human rights law and policy; international trade law; U.S.; public international law; jurisprudence; environmental law, international environmental law and other courses and seminars, a minimum of approximately 12 hours per semester;

- A faculty supervised research project, in one or more aspects of indigenous peoples' law and policy, up to 6 semester hours;

- A faculty-supervised LL.M. clinical placement, up to 6 semester hours;

- Applied research project supervised in a graduate level seminar, up to 3 hours;
- A faculty-supervised LL.M. thesis, up to 6 hours; and
- Graduate level courses in related disciplines (e.g. anthropology, history, philosophy – subject to the approval of the program director), up to 6 semester hours.

Faculty

The College of Law faculty includes two leading scholars and teachers in the field of indigenous peoples' rights, S. James Anaya and Robert A. Williams, Jr. They serve as co-faculty chairs of the Indigenous Peoples Law and Policy Program. Robert Hershey, one of the country's most experienced clinical educators in Indian Law, is Director of the Indigenous Peoples Law Clinic. In addition to these leading Indian law scholars and teachers, the law faculty includes a distinguished group of international law scholars whose interests relate to indigenous peoples (Leslye Obiora, Boris Kozolchyk, David Gantz), environmental law scholars who specialize in the impact of environmental policy on native peoples (Catherine O'Neill) and family law scholars who have devoted considerable work to indigenous peoples issues (Barbara Atwood).

Brief biographies of these key members of the College of Law are as follows:

Faculty Co-Chairs of the Indigenous Law and Policy Program

S. James Anaya, Co-Chair, B.A. 1980, New Mexico; J.D., 1983, Harvard Law School. Samuel M. Fegtly Professor of Law. Subjects include Constitutional Law; International Law; International Organizations; Native American Law, Indigenous Peoples in International Law; International Human Rights.

Robert A. Williams, Jr., Co-Chair, A.B., 1977, Loyola College; J.D., 1980, Harvard University. E. Thomas Sullivan Professor of Law. Subjects include Energy and Natural Resources Law, Federal Indian Law, Indigenous Human Rights, Land Use Planning, Real Property, Tribal Law. Associate Justice of the Court of Appeals of the Pascua Yaqui Indian Tribe and Judge Pro Tem for the Tohono O'odham Indian Nation.

Participating Faculty

Barbara Ann Atwood, B.A., 1969, Mary Baldwin College; J.D., 1976, The University of Arizona. Mary Anne Richey Professor of Law. Subjects include Civil Procedure, Research and Writing, Family Law and Community Property. Former trial attorney with the Civil Rights Division of the U.S. Department of Justice.

David A. Gantz, A.B., 1964, Harvard College; J.D., 1967, J.S.M., 1970, Stanford Law School. Associate Director, National Law Center for Inter-American Free Trade. Professor and Director of Graduate Studies in Law. Subjects include International Trade Law, Public International Law, Introduction to the U.S. Legal System, International Environmental Law, European Union Law and Foreign Investment and Technology Transfer. Former member of the Office of the Legal Adviser, U.S. Department of State and attorney in Washington, D.C.; U.S. Panelist under Chapters 11, 19 and 20 of NAFTA.

Robert A. Hershey, B.S., 1969, University of California-Irvine; J.D., 1972, The University of Arizona. Subjects include Indian Law, Globalization and Preservation (Transformation) of Culture. Special counsel to the Pascua Yaqui Tribe from 1994-1996, and Judge Pro Tem for the Tohono O'odham Nation and the Colorado River Indian Tribes.

James Hopkins, Director of the Indigenous Peoples Law and Policy Program & Associate Clinical Professor of Law B.A., 1992, LL.B., 1996, University of Toronto; LL.M., 2000, ITP, 2000 Harvard Law School. Subjects of interest include the intersection of trade and taxation with the laws of indigenous peoples.

Boris Kozolchyk, D.C.L., 1956, University of Havana; LL.B., 1959, University of Miami; LL.M., 1960, S.J.D., 1966, University of Michigan. Director and President, National Law Center for Inter-American Free Trade. Subjects include International Commercial Transactions, Commercial Letters of Credit, Comparative Law, International Transactions, Law and Economic Development and Jurisprudence. U.S. representative to the United Nations Commission on International Trade Law (UNCITRAL) and participant in numerous international conferences and conventions, including the O.A.S. Conference on Private International Law (CIDIP) and the International Chamber of Commerce Revision of the Uniform Customs and Practices for Documentary Credits.

Catherine O'Neill, B.A. 1987, University of Notre Dame; J.D., 1990, University of Chicago Law School. Associate Professor of Law. Subjects include Basic Legal Skills, Environmental Justice, Environmental Law and Property. Former Graduate Fellow at Harvard Law School with Ford Foundation Fellowship in Public International Law; worked for the Washington State Department of Ecology.

Dalia Tsuk, LL.B., 1992, Tel Aviv University School of Law; 1998, S.J.D., Harvard Law School. Assistant Professor of Law. Subjects include Corporations, American Legal History, and Constitutional Law.

Affiliated and Adjunct Faculty

A number of faculty from The University of Arizona will participate as affiliated faculty members.

Stephen Cornell, Director of the Udall Center for Studies in Public Policy, Professor of sociology and of public administration and policy at The University of Arizona. B.A., 1970, Mackinac College; AM., 1974, PH.D., 1980, University of Chicago. Dr. Cornell is also co-director of the Harvard Project on American Indian Economic Development, a research program headquartered at the Kennedy School of Government at Harvard University that he co-founded in the late 1980's with Professor Joseph P. Kalt.

A specialist in political economy and cultural sociology, Dr. Cornell taught at Harvard University for nine years before moving to The University of California, San Diego in 1989 and The University of Arizona in 1998. He has written widely on Indian affairs, economic development, collective identity, and ethnic and race relations. Among his publications are *The Return of the Native: American Indian Political Resurgence, What Can Tribes Do? Strategies and Institutions in American Indian Economic Development* (co-edited with Joseph P. Kalt), and *Ethnicity and Race: Making Identities in a Changing World* (co-authored with Douglas Hartmann).

Dr. Manley A. Begay, Jr., Director of the Native Nations Program at the Udall Center for Studies in Public Policy, Senior Lecturer in the American Indian Studies Program at The University of Arizona. B.A., 1977, University of Arizona; M. ED., 1983, ED. SPEC., 1985, Brigham Young University; M. ED, 1989, ED. D, 1997, Harvard University. Dr. Begay teaches courses on nation-building, curriculum development, and indigenous education. He is also co director of the Harvard Project on American Indian Economic Development (HPAIED) at the John F. Kennedy School of Government, Harvard University. Dr. Begay serves as a member of the Aboriginal Program Advisory Committee, Aboriginal Leadership and Self-Government Program, The Banff Center for Management, Banff, Alberta, Canada; the National Advisory Board for the Alfonso Ortiz Center for Intercultural Studies, Department of Anthropology and the Maxwell Museum of Anthropology, University of New Mexico; and the Board of Directors, The Medical Foundation of Boston.

Tom Holm, Professor in American Indian Studies. He has been affiliated with The University Arizona since 1980 and played an important leadership role in the growth and development of AIS for the past 18 years. Holm's most recent book, *Strong Hearts, Wounded Souls: Native American Veterans of the Vietnam War* (U of Texas Press) was nominated for the Victor Turner Prize in ethnographic writing in Canada. The Militarization of Native America: Historical Process and Cultural Perception was published by the *Social Science Journal*. Holm has 4 forthcoming works focusing on Indian veterans, Robert K. Thomas and Cherokee history, treaties and Native Americans, and U.S. Military relations. New book plans include Native American Warfare, and a second book on the Cherokee native and politics (1690-1866). His outreach work has focused on recruiting Indian students at over a dozen reservations across the country; he received the Outstanding Native American Faculty Award in 1997.

Richard Hughes, partner, Rothstein, Donatellie, Hughes, Dahlstrom, Schoenburg & Enfield, LLP. B.A. 1967, University of Virginia; LL.B. 1971, Yale University. Richard is a senior partner who practices extensively in the areas of Indian Law and Civil Litigation. He has specialized experience in the field of Pueblo Indian land rights and has played a leading role in litigation, legislation and negotiations in the complex area of Indian gaming in New Mexico. Richard is also a member of the Advisory Board to the Indigenous Peoples Law and Policy Program

Distinguished Visiting Faculty

The College of Law is pleased to announce that Vine Deloria Jr. has agreed to be the LL.M. program's first Distinguished Visiting Professor of Indigenous Peoples Law and Policy. Professor Deloria will also serve on the Advisory Board of the Indigenous Peoples Law and Policy LL.M. Program.

Vine Deloria, Jr., Standing Rock Sioux, was born in Martin, South Dakota. He obtained his Bachelor of Science degree from Iowa State University in 1958, a Masters of Theology degree from the Lutheran School of Theology in Chicago in 1963, and his law degree from The University of Colorado in 1970. Internationally respected as a lawyer and advocate for indigenous peoples' rights, he is one of the most prolific and influential scholars of the twentieth century on American Indian law and policy, history and philosophy. In 1996, he received the Lifetime Achievement Award from the Native Writers Circle of the Americas. His many published works include:

American Indian Policy in the Twentieth Century (University of Oklahoma Press, 1985); *American Indians, American Justice* (with Clifford M. Lytle) (University of Texas Press, 1983); *Behind the Trail of Broken Treaties : an Indian Declaration of Independence* (Dell Publishing Co., 1974); *Custer Died for Your Sins : an Indian Manifesto* (Macmillan, 1969); *God is Red : a Native View of Religion* (North American Press, 1994); *The Metaphysics of Modern Existence* (Harper & Row, 1979); *The Nations Within : the Past and Future of American Indian Sovereignty* (with Clifford M. Lytle) (Pantheon Books, 1984); *Red Earth, White Lies : Native Americans and the Myth of Scientific Fact* (Scribner 1995); *We Talk, You Listen; New Tribes, New Turf* (Macmillan, 1970).

Principal Course Offerings

LL.M. students will have an opportunity to take a large number of courses offered at the College of Law and or other Graduate and Professional school programs at The University of Arizona. College of Law courses and seminars currently available or planned that are likely to be of particular interest to LL.M. candidates include:

Course	**Credits**
Critical Race and Post-Colonial Theory	(3)
Environmental Justice	(3)
Environmental Law	(3)
European Union Law & NAFTA	(3)
Federal Indian Law I	(3)
Federal Indian Law II	(3)
Globalization and Preservation/Transformation of Culture	(3)
Immigration Law	(3)
Indigenous Human Rights Advocacy Workshop	(3)
Intellectual Property	(3)
International and Comparative Law on Indigenous Peoples	(3)
International Commercial Transactions	(3)
International Environmental Law	(3)
International Human Rights Advocacy Workshop	(3)
International Human Rights Law	(3)
International Investment and Technology Transfer	(2)
International Trade Law	(3)
Introduction to the U.S. Legal System	(2)
Multinational Transactions	(3)
Public International Law	(3)
Indigenous Law and Policy Clinic	(6-4-2)

For most LL.M. students their studies will likely involve these courses from the core curriculum of the Program:

Federal Indian Law I explores the basic principles and doctrines of governing the legal and political relationship between the United States and Indian tribes, the history of federal Indian law and policy, tribal property rights and sovereignty, congressional plenary power, the trust doctrine, jurisdiction in Indian country, and tribal government (Professor Williams).

Federal Indian Law II builds on the theoretical and substantive aspects of the legal and political relationship between the United States and Indian tribes developed in Federal Indian Law I. Topics include: tribal courts and lawmaking; natural resource development and management in Indian Country; environmental regulation of Indian lands; protection of Indian religious and cultural property; water rights; fishing, hunting and other treaty based rights to natural resources; Alaska Native law and Native Hawaiian rights; and comparative international legal perspectives on Indigenous Peoples' rights (Professor Williams).

International Human Rights Advocacy Workshops is intended to provide students with knowledge and provoke their thinking about the application of international law, particularly its system for the protection of human rights, to Native Americans and other indigenous peoples throughout the world. Emphasis will be on recent and ongoing developments at the United Nations and the Organization of American States (Professor Anaya).

International and Comparative Law on Indigenous Peoples will examine developments in international law and institutions that relate to the rights of indigenous peoples worldwide, and does so in conjunction with a survey of relevant domestic laws and policies of the United States and selected other countries (Professor Anaya).

The core curriculum:

Critical Race and Post-Colonial Theory focuses on the particular histories of four major racial groups in the United States, African Americans, Indians, Latinos/as, and Asian Americans, and their encounters with white Europeans and their descendants. Related readings in critical race and post-colonial theory will be drawn upon to develop interpretive perspectives on these complex histories. The overall goal of the seminar is to have students produce substantial papers reflecting a rigorous and erudite understanding of critical race and post-colonial theory as applied to specific issues of the legal history of race and racism in the United States. A significant amount of theoretical reading and legal historical research will be required for students enrolled in this course.

Environmental Justice explores issues of distributive justice in the context of environmental law and policy. It considers whether environmental burdens are equally distributed; whether governmental decision makers adequately take into account the circumstances of communities of color and low-income communities in setting environmental standards; whether environmental agencies enforce environmental standards equally; and whether the institutions of environmental law and policy provide equal access to all. It examines the role of law in remedying the inequalities and deficiencies identified. Topics include actions under equal protection theories and under Title VI of the Civil Rights Act, public participation in administrative decision making, and other issues raised by the principles of Environmental Justice.

Environmental Law analyzes the laws of the United States relating to protection of the environment, including the major statutory schemes, overlapping jurisdiction of the federal government and the states, and related policy issues.

European Union Law & NAFTA discusses the institutions and legal structure of the European Union; functions of the Commission, Council and European Parliament; European Court of Justice and the Court of First Instance; relationship of the European Union to other nations and to the GATT/WTO; and draws comparisons to NAFTA and to the U.S. Constitutional System.

Globalization and Preservation/Transformation of Culture is a seminar that examines the economic, social, cultural, religious and political consequences of globalization to indigenous cultures and focuses on humanity and inhumanity, the Building of Empires, the Poetics of Culture, the Role of the Judiciary in American Expansionism, the Logic of Global Capitalism, consequences of Technologies, New Measurements of Progress, Economic Development, Land Use, Agriculture, and the Environment. The class is oriented as a continuing project. Students will compile materials to be distributed worldwide.

Immigration Law consists of a study of the laws governing immigration into the United States, deportation, and related procedures, with emphasis on immigration issues affecting the Southwest.

Intellectual Property courses analyze the laws of the United States relating to patents, trademarks, copyrights, trade secrets and other intellectual property, including problems relating to infringement, piracy and enforcement in general.

International Commercial Transactions covers the history of commercial transactions; the Convention on the International Sale of Goods and other international commercial agreements; commercial letters of credit; and legal aspects of transportation documentation in the United States, Mexico and elsewhere.

International Environmental Law reviews the principal international treaties and agreements relating to environmental matters; state responsibility for environmental damages; cross-border environmental issues, with particular attention to the United States-Mexico border; environmental provisions of NAFTA and associated agreements; and conflicts between trade, the environment, and sustainable development.

International Human Rights Law analyzes the international law of human rights, including international treaties and agreements, customary principles of international law, jurisdictional issues and problems of enforcement.

International Investment and Technology Transfer is a seminar covering international rules relating to foreign investment and intellectual property, including WTO and NAFTA provisions; bilateral investment treaties; arbitration and settlement of investment disputes; legal and cultural aspects of investment and technology transfer abroad; Mexican and other foreign laws regulating investment; and a series of "mock" negotiations of international business agreements.

International Trade Law includes discussion from a legal and policy perspective of the General Agreement on Tariffs and Trade and the World Trade Organization; the Northern American Free Trade Agreement, U.S., Mexican and international rules on dumping, subsidies and safeguards; U.S. legislation on preferential trading regimes, export controls and other restrictions; introduction to custom law; and basic aspects of investment.

Introduction to the U.S. Legal System (for foreign law graduates) provides foreign students with an introduction to the U.S. legal system, including the U.S. Constitution and the Bill of Rights; roles of legislative, executive and judicial branches of government; courts, case law and precedent; basics of civil procedure; federalism and the respective roles of the state and federal governments.

Multinational Transactions covers the regime of treaties designed to avoid double taxation, particularly the U.S.-Mexico and U.S.-Canadian treaties; U.S. taxation of foreign source income; "competent authority" and other procedures to resolve jurisdictional disputes; and problems related to information exchange and cooperation among different national tax authorities.

Public International Law discusses treaties and customary international law; international law in the United States; resolution of international disputes; states and other international entities; sovereign immunity and the act of state doctrine; state responsibility for aliens and human rights; law of the sea; jurisdiction and territory; and the use of force.

Indigenous Peoples Law and Policy Clinic is where students work in tribal law offices and courts. In addition, the clinic is involved in many Indian law projects, from preparing tribal constitutions and court procedures to researching legal issues dealing with indigenous peoples throughout the world.

Program Scope, Limitations and Costs

It is expected that LL.M. candidates will spend two semesters completing the program, but some candidates may be in residence for a longer period. Candidates are expected to complete their theses, if they choose to produce one as part of their approved program of study, by September 1 of the year in which they complete their required course work. Extensions beyond December 31 will not be granted. The formal academic year begins the third week of August. However, foreign students will be enrolled in a special three-week program in the American legal system, and Research and Legal Writing, beginning approximately July 15. All candidates will be expected to spend their full time on study and research activities while enrolled at the College of Law. The projected tuition costs for 2001-2002 academic year are $5,098 for Arizona residents and $12,554 for non-residents; costs in subsequent years are expected to increase slightly. The fees and living expenses (including books and incidental expenses) for the three week summer session will be approximately $1,500-$1,800.

Satisfactory completion of the LL.M. program and receipt of the degree will qualify foreign candidates to sit for the Arizona State Bar Examination under current Arizona State Bar rules, (and for the respective bar examinations in many other U.S. states) assuming that other requirements are met. There is, however, no guarantee that a graduate of the program will pass the bar examination, and the LL.M. program is not primarily intended to prepare candidates for that examination. Limited scholarship assistance for tuition and fees is available, and should be requested by separate letter explaining financial circumstances and needs.

The Setting

The James E. Rogers College of Law of The University of Arizona was founded in 1915. The College of Law is a highly selective institution currently ranked among the top twenty public law schools in the United States, a group that includes The University of Michigan, The University of California-Berkeley, The University of Virginia, and The University of California-Los Angeles. The College of Law provides a challenging legal education for approximately 475 students from diverse backgrounds, life experiences, and cultures. The College of Law has approximately 30 full-time faculty and a variety of visiting lecturers and scholars. The law library's 345,000 volumes and volume equivalents include one of the best Foreign/Latin American law collections in the Southwestern United States. A specially trained foreign law librarian provides LL.M. students with specialized instruction in researching international and foreign law issues. Major student publications include the *Arizona Law Review* and the *Arizona Journal International and Comparative Law.*

The University of Arizona is an educationally and culturally diverse institution with more than 30,000 students, and consistently ranks among the top twenty public universities in the United States; its library is one of the largest research libraries in the country. Of particular interest to LL.M. candidates are the American Indian Studies, the Departments of Philosophy, Anthropology, Sociology, and Linguistics, the School of Business and Public Affairs and the Department of Economics, all of which are nationally distinguished programs that offer courses of interest to anyone interested in the study of indigenous peoples' law and policy issues. The University's facilities include the Arizona State Museum; The University of Arizona Museum of Art; the Center for Creative Photography; and the Flandrau Planetarium. Support is provided for an excellent inter-collegiate and intramural sports program, and a student recreation center.

Tucson, Arizona, located 62 miles from the Mexican border in the Sonoran high desert, is one of the oldest continuously inhabited cities in North America. The metropolitan area, with approximately 800,000 persons, is the second-largest in Arizona. The high Sonoran desert locale, with mountains on three sides, provides spectacular mild winters and hot summers. Tucson's attractions include the Arizona-Sonora Desert Museum, the San Xavier Mission, a wide variety of restaurants, a symphony, opera, chamber music series, a minor league baseball team and spring training for the major leagues, as well as excellent golf, tennis, hiking, cycling, fishing and other attractions. The region is also the home for many tribes that are within a few hours drive from the University. Some of the tribes include the Gila River Nation, the Pascua Yaqui Nation, the San Carlos Apache, the Tohono O'odham Nation, and the White Mountain Apache

The unique beauty of the setting, along with its rich history and cultural diversity through its Native American, Mexican, and Spanish multicultural heritage, have made Tucson a near-ideal setting for research and graduate level study of indigenous peoples' law and policy.

Principal Criteria for Admission

All I.L.M. candidates must be J.D. graduates of an ABA approved law school in the United States, or possess the first law degree from a foreign law school approved by the government or other accrediting authority in the nation in which it is located. Candidates for whom English is not their first language must demonstrate fluency in English (generally, TOEFL test scores of 600 or better are expected). The University of Arizona offers excellent short courses in English, which may be arranged at tha student's cost prior to enrolling if a student's TOEFL is under the required level.

Other factors given primary consideration in the admission process include:

1. academic record in achieving the first law degree;

2. recommendations of professors or employers;

3. evidence of interest and ability in the field of indigenous peoples' law and policy, including publications or relevant work experience;

4. evidence of a commitment after graduation to teaching at the law school level, government service, or indigenous peoples' law practice; and

5. for foreign students, whether there exists a formal relationship between The University of Arizona and the university where the student received his or her first law degree.

The University of Arizona is an EEO/AA employer and does not unlawfully discriminate on the basis of race, color, religion, sex, national origin, age, disability, Veteran's status, or sexual orientation in its admissions, employment and education programs or activities.

Given the small size of the program and its unique attributes, admission is highly competitive. The application deadline is March 15th, 2001, however, applications may be considered on a limited basis up to April 30th, 2001, conditional on available space. Earlier applications are strongly encouraged, as the Admissions Committee will be utilizing a "rolling admissions" policy, beginning in early February. Applications ordinarily will not be considered by the Admissions Committee until all required information has been received.

Questions relating to the Master of Laws in Indigenous Peoples Law and Policy Program should be addressed to:

James Hopkins
Director, Indigenous Peoples Law and Policy Program
Associate Clinical Professor
The University of Arizona
James E. Rogers College of Law
1201 E. Speedway Blvd.
P.O. Box 210176
Tucson, Arizona 85721-0176 U.S.A.

Telephone: (520) 621-7669
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Submission to the United States Senate Committee on Indian Affairs oversight hearing into *Native American Program Initiatives at the College and University Level*

Thursday, June 21, 2001

The Master of Laws (LL.M.) Program in Indigenous Peoples Law and Policy
The University of Arizona, James E. Rogers College of Law

SUPPLEMENTAL MATERIALS FOR THE PUBLIC RECORD:

(2) Press Release by the Indian Law Resource Center regarding the Belize case with Special Counsel, Professor S. James Anaya.

THE UNIVERSITY OF ARIZONA INDIGENOUS PEOPLES LAW AND POLICY PROGRAM

Historic Agreement in Belize

For Immediate Release Contact: Deborah Schaaf (406) 449-2006

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS WILL DECIDE INDIAN LAND RIGHTS CASE AGAINST BELIZE

October 25, 2000

WASHINGTON, D.C. - In a major battle to stop logging and oil development in southern Belize, Maya Indians have won a preliminary ruling in their human rights case against the government of Belize. The Inter-American Commission on Human Rights, on October 20, 2000, issued a report announcing that it will consider the merits of the complaint that indigenous Maya communities filed alleging that the government has violated their human rights by failing to recognize their rights to their traditional lands and by granting logging and oil development concessions on those lands. The Commission ruled at its session this month that the *Case of the Maya indigenous communities and their members against Belize* is admissible and that the Maya have alleged facts that, if proven, constitute violations of Belize's obligation to protect human rights.

The Mopan and Ke'kchi Maya are Indian peoples who have inhabited the southern region of what is now Belize for hundreds of years – long before European settlement. Some 15,000 Maya people live in villages throughout this tropical forest area. Traditionally, the Maya are subsistence farmers, but they also cultivate small cash crops such as corn, rice and beans. Their economic and cultural survival is entirely dependent upon the land and its resources, but the Maya's rights to their traditional lands have never been recognized or protected by Belize law.

The Toledo Maya Cultural Council, a non-governmental organization that represents the Maya in southern Belize, filed the petition with the Inter-American Commission in 1998. The petition asserts Maya land rights; accuses the government of illegally granting logging and oil concessions on Maya ancestral lands; and calls for the demarcation and protection of the Maya's territory. The case was submitted by the Indian Law Resource Center, an indigenous rights law firm based in Helena, Montana.

The Maya's struggle with the government of Belize over land erupted in 1995, when a Maya farmer on his way to his corn plantation came upon a bulldozer and other equipment that was being used to cut a logging road through the jungle in the Columbia River Forest Reserve. The Maya eventually learned that the government of Belize had awarded 17 logging concessions on over 500,000 acres of land in the rain forest surrounding their villages. The Toledo Maya Cultural Council, with assistance from the Indian Law Resource Center's attorneys, initiated proceedings in the Supreme Court of Belize late in 1997 challenging the government's authority to grant concessions on Maya traditional lands, and filed the petition at the Inter-American Commission when the Court failed to take any action on the case.

The Maya's efforts are beginning to work. On October 12, 2000, Prime Minister Said Musa signed an agreement affirming that the government of Belize recognizes for the first time "... that the Maya People have rights to lands and resources in southern Belize based on their long-standing use and occupancy." This is an important step forward for the Maya, as it is the first time – despite years of advocacy and legal proceedings – that the government has been willing to accede to even this symbolic recognition of indigenous rights. The so-called Ten Points of Agreement also sets forth a framework for discussions between the government and the Maya that could result in concrete legislative and administrative measures to secure Maya lands and resources; but only if the government has the political will to implement its terms. The timing of the Commission's decision to consider of the merits of the case is propitious, since its investigation is likely to be a powerful factor in the mix.

Greg Ch'oc, chairman of the Ke'kchi Council of Belize, spoke on behalf of the Maya leaders who negotiated the agreement on the day it was signed:

> It is our sincere hope that the agreement between the Maya and the government will bring tangible benefits to all Belizeans, but at present it is only words on paper. We must work together to make sure that these words become reality, and that the 12th of October is forever remembered in Belize for the events that have taken place today.

The stakes just got a lot higher. Last summer the government announced that AB Energy, a US-based oil company registered in the Virgin Islands, would begin conducting exploratory drilling in areas claimed by the Maya. The concession covers over 700,000 acres that includes indigenous lands as well as private holdings, national protected areas and the adjacent marine shelf. Oil exploration experts now believe that there may be very valuable oil deposits that lie in deep strata far below the early exploration wells that were dug in the region.

The Maya are very concerned about the potential destructive impact that oil activities will have on their culture and livelihood, and on the environment of Belize. The area covered by the concession is ecologically unique. It contains the largest surviving highland deciduous forests in Central America. Some of finest mangrove forests anywhere lie along the coast, and the barrier reef is the second longest in the world. In light of these risks, the Maya asked the Indian

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Law Resource Center to submit a request to the Inter-American Commission to call upon the government to suspend the concession until the issues in the petition have been fully resolved.

The Inter-American Commission on Human Rights is a body of the Organization of American States (OAS) that was created to promote the observance and defense of human rights by member states. All the countries of North, Central and South America, except Cuba, are members of the OAS. As a member of the OAS, Belize is bound by the human rights principles that are outlined in the American Declaration on the Rights and Duties of Man.

For More Information , contact Deborah Schaaf, staff attorney at the Indian Law Resource Center, at 406/449-2006.

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Submission to the United States Senate Committee on Indian Affairs oversight hearing into *Native American Program Initiatives at the College and University Level*

Thursday, June 21, 2001

The Master of Laws (LL.M.) Program in Indigenous Peoples Law and Policy
The University of Arizona, James E. Rogers College of Law

SUPPLEMENTAL MATERIALS FOR THE PUBLIC RECORD:

(3) **Press Release by the Indian Law Resource Center regarding the Nicaraguan case with Special Counsel, Professor S. James Anaya.**

THE UNIVERSITY OF ARIZONA INDIGENOUS PEOPLES LAW AND POLICY PROGRAM

IAC Rules on Awas Tingni

Go to Press Releases Page

See this Update: *Awas Tingni Case Tried Before Inter-American Court*
Over three days in November, the Inter-American Court of Human Rights heard the case of the *Awas Tingni Mayagna (Sumo) Indigenous Community vs. The Republic of Nicaragua.* November 20, 2000

Indian Law Resource Center

Centro de Recursos Juridicos para los Pueblos Indigenas

Helena, Montana • Washington, D.C. • Anchorage, Alaska • Tucson, Arizona

For Immediate Release Contact: S. James Anaya (520) 626-6341,
Armstrong Wiggins (202) 547-2800

INTERNATIONAL HUMAN RIGHTS COURT TO RULE

ON INDIAN LAND RIGHTS CASE AGAINST NICARAGUA

February 4, 2000

WASHINGTON, D.C. - In a unanimous decision the Inter-American Court of Human Rights has ruled that it will consider the merits of a case against Nicaragua in which Indian land rights are the central issue. This is an unprecedented ruling by an international court. It is a successful first step in a legal proceeding brought by Indians that will likely have a profound impact on the rights of millions of indigenous people of the Americas, almost all of whom are struggling to protect their lands and resources from exploitation.

The Inter-American Court's decision of February 1, 2000, was in the case of The Inter-American Commission on Human Rights on Behalf of the Awas Tingni, Mayagna Sumo Indian Community Against the Republic of Nicaragua. The Inter-American Court rejected Nicaragua's attempt to dismiss the complaint on procedural grounds. A trial will be held later this year in San Jose, Costa Rica where the Inter-American Court is located.

As a member of the Organization of American States (OAS), the international

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body that established the Inter-American Court, Nicaragua is bound by the Court's ruling and must comply with its orders. The Court is one of few international judicial bodies that can require states to take remedial measures for the violation of rights. The Court's rulings establish governing legal precedent for all 34 member states of the OAS. The Awas Tingni case represents a critical advance in the defense of indigenous land rights. It will most likely result in a ruling that will for the first time define the interrelationship of human rights, indigenous land rights, and environmental protection

The Awas Tingni human rights complaint was originally submitted to the Inter-American Commission on Human Rights by the Indian Law Resource Center. The Center is an indigenous rights law firm based in Helena, Montana. The complaint charges that Nicaragua approved destructive logging concessions on indigenous communal lands without consultation with or agreement of the affected communities and that Nicaragua failed to carry out its legal obligation to demarcate and legally secure indigenous lands. The complaint requests a ruling from the Court requiring that Nicaragua compensate Awas Tingni for the encroachment on its land. If the case is won on the merits, Nicaragua will be required to establish a formal legal process for demarcating indigenous lands and for protecting indigenous rights to those lands.

The Miskito, Rama, and Mayagna (Sumo) are the original indigenous peoples who have historically populated the Nicaraguan Atlantic Coast, preserving their languages, customs, culture, and use of their communal lands. These indigenous peoples are organized into distinct, autonomous communities, each one with its own traditional social and political institutions. The Atlantic Coast indigenous communities have a system of communal property in which the land belongs collectively to all members of the community. They use the land, forests and rivers for subsistence agriculture, hunting, and fishing. The culture and identity of the Atlantic Coast indigenous peoples are profoundly connected to the land.

In the past several years, the Awas Tingni Mayagna community has attempted to prevent the wholesale destruction of their lands by companies seeking to log the forests in their traditional territory. These companies have not been well regulated and are rarely interested in preserving forest health in the areas where they operate. Timber harvesting without regular replanting, destruction of traditional farming areas by road-building and other logging activities, and pollution of water resources are commonplace in Nicaragua and throughout Central America where logging companies are given free rein and resource management plans are non-existent. Landslides, flooding, and loss of wildlife follow the disappearance of forests, while new roads pave the way for increased settlement by outsiders on indigenous lands.

In 1995, with assistance from the Indian Law Resource Center's attorneys, the Awas Tingni community filed a petition for emergency relief in the Nicaraguan courts to prevent the Nicaraguan government from granting a large forestry concession to a Korean-based logging company operating under the name "Sol de Caribe, S.A." (SOLCARSA). This 30-year concession would have allowed SOLCARSA to exploit more than 62,000 hectares of tropical forest in Mayagna traditional territory. In 1996, the Nicaraguan government granted the SOLCARSA concession despite the pending court action and in clear violation of the Awas Tingni community's property rights.

The Awas Tingni protest against the SOLCARSA concession was soon joined by other indigenous communities as well as the Organization of Indigenous Community Leaders of the Nicaraguan Caribbean Coast, which is known by its Spanish acronym, OSICAN. Although the community's petition to the courts complained a clear threat to their property rights and imminent danger to the resources they depend on, after a year's delay, the courts dismissed their case without considering the merits of their claims. In a separate lawsuit brought by representatives of the autonomous regional government, also with the assistance of the Center, the Nicaraguan Supreme Court did find the SOLCARSA concession to be unconstitutional because of the government's failure to obtain approval of the regional government. Afterwards, however, ignoring the community's rights and the Supreme Court decision, both the regional and national governments ultimately allowed the concession to proceed.

Already, the proceedings within the OAS have had an impact. The SOLCARSA logging concession canceled because of political pressure as the public became aware of the Indians' legal fight. And preliminary steps are now underway to demarcate indigenous lands in Nicaragua. Made aware of the OAS proceedings by Indian Law Resource Center attorneys, the World Bank conditioned a financial aid package to Nicaragua on its development of legislation to demarcate indigenous Lands. With much fanfare late last year, the Nicaraguan President proposed legislation that would provide a framework for indigenous land demarcation. Unfortunately, however, the President failed to include indigenous communities in the development of this legislation and failed to provide adequate protections for their lands. The legislation will require immense revision and negotiations before it is acceptable to the indigenous leaders. This type of response on the government's part, nonetheless, indicates the importance of the Awas Tingni case in the Inter-American Court.

For More Information, contact S. James Anaya, Special Counsel to the Indian Law Resource Center, (520) 626-6341; or Armstrong Wiggins, Director of Central and South America Programs, (202) 547-2800.

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Awas Tingni Update

HEARING OF AWAS TINGNI INDIGENOUS LAND RIGHTS CASE TAKES PLACE BEFORE THE INTER-AMERICAN HUMAN RIGHTS COURT

UPDATE
NOVEMBER, 2000

San Jose, Costa Rica – Over three days last November, 2000, the Inter-American Human Rights Court held session in San Jose', Costa Rica, to hear the case of the *Awas Tingni Mayagna (Sumo) Indigenous Community vs. The Republic of Nicaragua*. The lawsuit is unprecedented in the history of the Inter-American Human Rights Court, not only because the Court has never before allocated three full days to a hearing, but more importantly, because it was the first time that the Court has ever presided over a case predicated upon indigenous traditional and communal land rights. Convincing the Court that the issue of indigenous land rights merited their attention therefore represented a victory in itself, as well as the culmination of five years of hard work by the community's legal team headed by Jim Anaya, special counsel for the Indian Law Resource Center.

To provide some background to this seminal case, in 1995, after many fruitless years spent seeking the legal demarcation of their traditional lands through both the government and legal systems of Nicaragua, the community of Awas Tingni instructed their lawyers to file a petition on their behalf with the Inter-American Human Rights Commission of the OAS. Despite the fact that the right of indigenous peoples to use and own their traditional communal lands is provided by both the Nicaraguan constitution and concomitant domestic laws, Awas Tingni's leaders found their efforts to obtain a formal communal land title thwarted at every turn. Their petition therefore stated that Nicaragua's failure to honour and protect indigenous property rights constituted a direct violation of their human rights as OAS citizens. After several years spent carefully reviewing Awas Tingni's claims, the Inter-American Human Rights Commission eventually determined that they were legally warranted. In 1998, the Commission's legal team therefore moved to take the case to the Inter-American Court, with the community's lawyers appointed as special counsels. The trial was scheduled for the fall of 2000.

Over the three-day trial, the 8 judges presiding over the Court heard Awas Tingni's lawyers build a convincing case to demonstrate that the Government of Nicaragua purposefully maintains a clear, if unstated policy to frustrate all efforts by indigenous communities to secure the legal entitlement of their traditional land. By these actions, the community's lawyers argued, the Government of Nicaragua is in direct violation of its obligations under national and international law to uphold human rights, in this case, indigenous land rights. Human rights for indigenous peoples necessarily incorporate land rights, since the sustenance and reproduction of indigenous communities economic, cultural and spiritual traditions depend upon secure access to their ancestral lands. In presenting their case, the community's legal team drew upon an eclectic panel of witnesses.

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ranging from expert anthropologists to international development workers, from indigenous activists to local lawyers, from regional politicians to leaders of Awas Tingni itself. All of these witness provided testimony to support the comprehensive and convincing argument that the Nicaraguan government has intentionally blocked Awas Tingi's efforts to secure the legal demarcation of their traditional lands.

In response, the Government of Nicaragua could only produce one witness: a political appointee from the governmental body in charge of administering and distributing rural lands. This witness tried to claim that the Government was in fact, thoroughly committed to the demarcation of indigenous lands. He moreover attempted to argue that the only reason that Awas Tingni's claim has not been honored is because this particular community has in fact no ancestral claim to the lands they currently occupy. He claimed that Awas Tingni is not an indigenous community, but rather one of extremely mixed ethnic origins, which only recently moved to the area they now claim. This witness was indeed reiterating the same arguments expounded by the Nicaraguan government's legal team throughout the trial in their cross-examinations of the witnesses for the prosecution. As all valid anthropological, archaeological, oral accounts and other evidence related to the Awas Tingi case clearly demonstrate, the Government's allegations are false. In a vain attempt to counter the mountain of evidence refuting their argument, the government witness and lawyers attempted to introduce into the proceedings an entire suitcase of documents that ostensibly supported the government's assertions. The Court nevertheless ruled in favour of the community's lawyers, who had objected strongly to this transparent attempt to swamp them with materials just prior to the summations, by stating that the Government's deadline for presenting documentary evidence pertinent to their position had long since passed. Final summations ensued, after which the Court was formally adjourned.

The Court is not expected to deliver its decision on the case until early spring of 2001. The community of Awas Tingni and their legal team recognize that the judges have a difficult task before them, since by ruling against the state of Nicaragua, the Court will be effectively sending a message to all member countries of the OAS system that fail to address the issue of indigenous land rights. The legal repercussions of a decision in favour of Awas Tingni are likely to be considerable.* Nevertheless, Awas Tingni and their supporters remain hopeful that the outcome will be in their favour, and that a seminal legal precedent to support the struggle for indigeaous land rights throughout the Americas will have been set.

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Statement of Alan Parker
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Before the United States Senate Committee on Indian Affairs
Hearing on Exemplary Native American Program Initiatives
US Colleges and Universities
June 21, 2001 Washington, DC

Mr. Chairman and members of the Committee on Indian Affairs: It is a pleasure and privilege to appear before you today to testify regarding exemplary program initiatives at US Colleges and Universities that serve Native American Students and Indian tribal communities. I am accompanied today by Dr. Linda Moon Stumpff, the director of the Master in Public Administration program at The Evergreen State College who will be describing our plans to establish a special graduate program for tribal government administrators and managers. Attached to my written statement please find a copy of a brochure entitled, "Native American Programs at The Evergreen State College" which contains a brief description of the academic programs we offer to students and the two public service centers recently established by the College, the Longhouse Education and Culture Center and the Northwest Indian Applied Research Institute. I have also included a report that describes the activities and accomplishments of the Northwest Indian Applied Research Institute over the past two years as well as an excerpt from our web page.

Mr. Chairman, we at The Evergreen State College are very proud of the fact that The Honorable Billy Frank, Jr., Nisqually tribal member and Chairman of the Northwest Indian Fisheries Commission, serves as a member of our Board of Trustees. To my knowledge, we are the only State College that has a prominent tribal leader on their governing board. Billy has been both an inspiration to the Native American students and faculty at Evergreen and a powerful influence on the administration of the College. In addition, the College in very pleased to report that we have the highest percentage of Native American students and faculty of any College in the US. For this current academic year over 150 native students attended Evergreen out of a total enrollment of 4,800 and 12 natives are full-time faculty out of a total of 187 faculty who teach on a regular, full-time basis.

The Reservation Based Community Determined Academic Program

The Evergreen State College has a twenty-five year track record of serving tribal members and many Evergreen graduates are tribal community leaders and outstanding professionals. Twelve years ago the College initiated a unique program offering liberal arts degree classes on five of the Indian reservations in the South Puget Sound and Olympic Peninsula areas. The Reservation Based Community Determined Program not only makes it possible for these community members to pursue their BA degree without having to disrupt their lives by relocating to the College's Olympia Campus, but the curriculum for their classes is also designed to address distinctive issues and topics relevant to these tribal communities. I recommend that you review the College's Native American Programs publication for more detailed information on this exemplary program.

The Longhouse Education and Culture Center

This philosophy of designing academic programs to be relevant to particular tribal communities was continued when the College designed and built a new classroom and meeting facility on its Campus in 1995. Instead of creating simply another standard classroom building, the College responded to tribal aspirations by creating a unique facility that followed coastal Indian traditional designs for a "Longhouse". The Longhouse Education and Culture Center is authentic in style, structure and function to serve as a coastal Indian Longhouse as well as an attractive classroom and meeting facility. Since its opening in 1995, the Longhouse has served not only as a classroom for Native Studies but also as a House of Welcome to native people from throughout the area who feel comfortable and at home on this campus for all manner of cultural and educational events. Next week, the Longhouse is hosting a week long cultural event, a "Gathering" of indigenous artists of the Pacific Rim who will share their music, the stories and their art. This is simply the latest in an ongoing series of events and programs designed for and by native people. No other College or University in the US can boast of a facility the compare to Evergreen's Longhouse and the role that it plays in fulfilling the mission of service to native communities.

The Northwest Indian Applied Research Institute

Following the construction and opening of the Longhouse, the College decided that a research institute that could enable faculty and administration to provide relevant and timely academic programs for its students keyed around current tribal issues. In addition, tribal officials had requested that the College make available the resources and expertise from within the College to tribal communities to provide assistance in subject areas such as governance, natural resource management and economic studies. Attached to this statement please find a report that summarizes the activities and research agenda of the Northwest Indian Applied Research Institute. We believe that this track record does demonstrate the validity of the idea that an institute of higher learning is uniquely equipped to serve communities that send their members to the College the critical thinking skills and expertise associated with a College education. The most valuable work that we have accomplished over the past two years has been work of Evergreen College students, native and non-native, graduate and undergraduate. Under the supervision of Institute staff, the students have conducted studies and published reports that have been very helpful to tribal officials in their everyday work and on special projects. We urge you to review this report and the Institute's web page, www.niari.evergreen.edu, and we would be pleased to answer any questions you may have about particular projects.

Summary

Mr. Chairman, it is a great privilege to be invited to appear before you and your Committee to discuss exemplary Native American Programs in higher education. We certainly believe that our work at The Evergreen State College should stand as an example for other Colleges and Universities that are located in Indian Country. For too long administrators in the field of higher education have confined themselves to the ivory tower of academia. We at Evergreen believe that we have a special duty to serve the community and that in serving the community we serve our students. We hope our example of community service may be helpful in this regard.

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Statement of Dr. Linda Moon Stumpff
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Before the United States Senate Committee on Indian Affairs
Oversight Hearing on Native American Program Initiatives at the College
and University Level
June 21, 2001 Washington, DC

REAFFIRMING SOVEREIGNTY THROUGH HIGHER EDUCATION: Creating a Master of Public Administration Degree Program in Collaborative Administration and Tribal Governance

Mr. Chairman and members of the Committee: It is a privilege to appear before you this morning to testify regarding exemplary Native American Program Initiatives undertaken by Colleges and Universities in the US. My Colleague, Alan Parker, will present testimony regarding The Evergreen State College's overall approach to serving Native American students and the tribal communities in Washington State. He serves as faculty for Native American law and policy as well as director of the Northwest Indian Applied Research Institute, one of five Public Service Centers at the College.

The establishment of a Master of Public Administration degree in Collaborative Administration and Tribal Governance (MPA/CAT) is the most recent Native American Initiative at the Evergreen State College. Three factors have shaped the development of this unique degree proposal at Evergreen. First, the innovative educational approach taken by the college provides an ideal context for this graduate program. The establishment of this constellation of connected programs, including the Northwest Indian Applied Research Institute, the Longhouse Economic Development Initiative, tribal community-based degree programs, and partnerships with Northwest Indian College all combine to create a context that is supportive of MPA/CAT. In addition, they generate a strong applicant pool of tribal members and tribal government employees. The Institute provides a focal point for research directly connected to the creation of relevant curriculum. Further expansion into governance studies supports student research in the graduate program. These institutions connect research and theory to practice. Second, the educational philosophy of the college stresses interdisciplinary work and community participation and relevance. Following this philosophy, the design for MPA/CAT developed out of two years of work with tribes including conferences, interviews and a survey to assure that the new curriculum had cultural and political relevance for tribal governments. Third, the delivery structure of the program was designed to provide access to tribes in and out of state and to benefit tribal nations through community-based participatory research.

WHY AN MPA DEGREE?

Federally recognized American Indian tribal nations present unique models of governance to the field of public administration. The scope of the MPA/CAT program encompasses both the history and the substance of the operational governance systems of tribal nations—the basics of how to run a government. The MPA degree is the degree of choice for professional practitioners in federal and state government agencies and other public sector leaders. However, no other MPA degree program in a US College or university has been designed and implemented specifically to speak to the concerns of tribal governments in the core of its curriculum.

Today, tribal governments face ever-increasing demands arising from the complexity of intergovernmental relations, the need to develop strategies for sustainable communities, and pressures from population growth. They need to develop a variety of administrative capacities ranging from the development of codes and legislation to grant-writing and the implementation of a large body of public laws such as the National Environmental Policy Act, that directly affect tribal nations.

The history of higher education in the United States demonstrates an ongoing failure to engage with the needs of tribal nations and their communities up until the time that tribal education leaders took control of education systems. This failure continues to be true in the area of professional education in public administration and governance. The early years of US education policy resulted in the imposition of non-Indian ideas and requirements and, too many cases, the forced separation of children (students) from their families. The historic goals of this educational policy were forced assimilation through the removal of traditions and cultures and, eventually, the removal of whole communities away from their homes and surroundings. Even today, degree programs in higher education still leave the development of capacities and competencies for tribal government in a complete vacuum. Much of what is provided in professional education and training ignores tribal governments or portrays them in inaccurate and inappropriate ways. Such a misinformation is damaging to the proper conduct of government to government relations and to the collaboration so vitally a part of carrying out the business of government in the contemporary world of public affairs. What educational has broken it is now time for education to fix.

Tribal governance takes place in the context of federal, state and local government. The concept of governance extends the curriculum to community-managed political and economic structures such as non-profit organizations and tribally managed enterprises. Such an MPA track reaches out to the community to create educational access for underserved populations. It adds diversity and new learning communities with the potential to collaborate in successful policy-making processes and operations and in government to government relations. Such an educational forum for degree-bound tribal members, officials and agency liaisons has never existed before.

In addition to major responsibilities for carrying out a full range of governmental functions, tribal governments provide overall management and oversight of a wide spectrum of tribally owned businesses as well as permitting and regulating a range of private businesses. Tribal enterprises employed 14,375 Washington citizens full time, including non-tribal employees by 1997 and contributed one billion dollars to the State's economy. (See: Economic Contributions of Indian Tribes to the Economy of Washington State, Tiller and Chase, 1997). In addition, state and federal agencies employ tribal liaisons and consultants in various operations. At least five federal agencies spend significant amounts on transactions with tribes. This volume and complexity of activity requires a high decree of administrative education and accountability. In addition, tribes carry primary land management responsibility for millions of acres. Natural resource activities are important to tribal economies and cultural preservation. Again, high levels of competence and strategic planning ability under a number of federal laws is needed in order to work collaboratively within the complex arena of state and federal regulations. Four key areas important to the administrative apparatus necessary to sustain tribal communities in this context are noted in the Tiller and Chase report to the Governor of Washington in 1997:

- Roles and responsibilities of public and private sectors
- Fiscal transactions including access to capital financing
- Legal/administrative systems to protect the interest of all parties
- Adequate social and physical infrastructure to support activities

The MPA degree is the credential for professional work in all of these areas. All four areas are central to contemporary studies in Public Administration. A lack of adequate human resource capacity in these areas can lead to poor administration, lessened economic opportunity and reduced ability to work collaboratively with other governments and business interests.

ENGAGING THE CONCERNS AND ISSUES OF TRIBAL NATIONS

The MPA/CAT program grew out of the ideas of tribal leaders, officials, employees and tribal liaisons. Joe de la Cruz of the Quinault Nation and Billy Frank Jr. of the Nisqually Tribe were instrumental in the planning stages for this degree program. Tribal officials, administrators, liaisons and lobbyists in Washington State demonstrated clear preferences for an MPA degree program. The survey respondents selected twelve components from a list of possible topics. The survey results showed a strong preference for the study of sovereignty, the history of policy in Indian country, intergovernmental relations and natural resources. Integral to the conceptual, legal and operational foundations of sovereignty, these components drive the engines of tribal government. They are the frameworks for external and consultative relations. The strong preference for study and research of applied sovereignty affirms the most essential step in nation building—legitimization of the structures of government. The preference suggests a commitment to the study of sovereignty that implies resistance to historical events that eroded self-governance and an interest in developing administrative capacity around the concept of sovereignty. Combined with an understanding of the processes of policy making, intergovernmental relations and natural resource policy and land use issues, sovereignty provides a curricular basis for exploring bilateral and multilateral negotiations with other tribes and level of government in the theatre of government to government relations. Considered together, they represent a kind of unwritten American Indian Articles of Confederation. This particular combination of the attributes of applied sovereignty creates a basis for including innovative studies of intergovernmental collaboration in the curriculum.

The first choices of survey respondents also demonstrate a concern for context that emphasizes the need to tailor research within the program to the legal, policy and cultural histories of specific tribal nations. Such research responds to the tribal perspective in policy-making. In the study of governance, what is important to tribal members and their leadership, what is perceived as a threat or a gift by them, is the stuff of a new educational program that honors specific tribal adaptations to policy-making. Tribal-based responses to federal Indian policy thus constitute a meaningful awareness of past and present impacts. This broadens the scope of the degree program to a dialogue that maintains political and cultural relevance to the study of tribal governments.

The second category of components preferred by survey respondents related to the institution-building components of governance. These included basic operations of government such as social services, fiscal policy, management of pollution, salmon and cultural resources, and the creation of consensus-based processes. The third grouping was made up of two competency areas: collaboration and grants writing. The final set of preferred variables related to key competencies generally connected to self-determination such as economic development, exploring models of governance to adapt tribal constitutions and writing legislation and policy development.

The priority rankings of the survey suggest tribal opinion leaders and employees value educational programs based on concepts that lead to the establishment of good administrative and governance institutions. These components are key to the exercise of sovereign powers and rights. The activities typically associated with self-determination flow as logical outcomes out of the first priority conceptual components of the higher ranking conceptual, operational and competency components of a degree focusing on tribal administration.

Interviews with tribal leaders and employees and the survey results suggest that applications from the theoretical base of the field of public administration further the understanding of tribal governance. Community-based knowledge is critical to the curriculum tailored to tribal governments. Only through such applications can approaches to policy analysis be suggested for a large tribal nation, while a smaller tribe with a concentrated population might choose to design a more centralized administrative apparatus for delivering services. History suggests that it is necessary for tribes to increase administrative capacity for the implementation of broad self-governing authority as components of federal control mechanisms recede and federal responsibility "devolves" to the local level. In this way, tribal nations achieve adaptive connections between their self-governing regimes and their administrative structures.

A graduate program tailored to the needs of tribal employees, officials and agency liaisons creates a base for tribal-centered research applications. This kind of academic research focuses on developing alternatives to complex political problems and working with tribes to strengthen the architecture of tribal self/governance. By providing a vehicle for gathering knowledge to make informed choices, it begs the question of how federal policy interacts with tribal responses. Patterns of internally driven adaptations in tribal governments become evident. The interweaving of the federal thread with the unique histories, cultures, politics and geographic settings of tribal nations creates a tapestry of policy that is colored by federal policy, but brocaded with tribal uniqueness. Models that emerge from these programs may teach lessons about approaches for indigenous peoples in other countries who struggle to build the institutional architecture for self-governance.

A PEDAGOGICAL DESIGN FOR TRIBAL NATIONS.

The cornerstones of an Evergreen education are collaborative and interdisciplinary teaching and learning, narrative evaluations, internships and applied projects that bridge theory and practice, small group discussion classes called seminars and an educational environment that celebrates diversity and incorporates multicultural perspectives. Through the MPA/CAT degree program, the multicultural perspective is integrated into the study of collaborative mechanisms. The inclusion of both case analysis and policy analysis methodology produces alternative solutions to issues and problems. Students are encouraged to find multiple solutions to problem and assess the implications of proposed actions. Significant issues of concern to tribal government are thus approached in a cross-disciplinary fashion so that they can be answered in their broadest historical, cultural, political, economic, social and scientific contexts. The addition of multiple tribal perspectives deepens and enhances the range of possible solutions that ultimately find their resolution in the arena of intergovernmental and community collaboration. The MPA/CAT program is constructed around four principles

- Foster an educational experience that results in critical thinking and the ability to conceptualize problems within whole systems through oral and written dialogues and consensus-based processes
- Implement a participatory approach to learning that integrates professional education with critical thinking
- Achieve integration of the curriculum-a core series of courses that engages a cohort team of students with a faculty team—through the development of multicultural learning communities
- Support high quality, community-responsive applied research that makes fundamental contributions to solutions that focus on supporting sustainable, equitable, economic, political and ecological systems

Tremendous population growth in some areas adjacent to tribal nations, combined with regional concerns for the quality of life, opens up possibilities for collaboration between all levels of governance. This is consistent with the educational value of seeking democratic, equitable and practical solutions to the problems facing governments, organizations and communities today. The study of mechanisms for agreement and positive administrative actions create a program that is integrative rather than exclusionary. It is the first MPA program to positively emphasize collaboration and include the study of tribal governments. As such, it carries regional and national significance.

Programs such as MPA/CAT contribute to the intellectual and cultural growth of the nation. Such programs in higher education enhance skills and knowledge by engaging multiculturalism in governance. Inspired by the work of leaders like Joe de la Cruz and Billie Frank Jr., Governor Dan Evans and Governor Booth Gardener and others. It outlines a path for understanding governance and politics with an emphasis on the nature and context of indigenous nations. This leads to reflection on the implications of cultural, political and economic effects of policy with special consideration for specific populations characterized by gender, culture or race.

Government policy-makers and tribal leaders benefit from understanding the application of traditional and adaptive ways. These are important techniques for implementing contemporary governance structures that are informed by a rich regional historic context. Classes focus on collaborative, facilitative ways of governing and specifically, on policies and administration that foster traditions, widely shared creativity and social and economic accountability in administration. The theme of collaborative governance is purposeful rather than bureaucratic: it looks to organizational design with flatter, open-ended structures supported by an understanding of interconnected systems. Applied in this way, the educational model enriches intellectual dialogue by linking economic and administrative systems with local participation and experiential, action-oriented learning approaches. The emphasis on collaboration is especially important in bridging the gap between the opposing arguments for regulatory and incentive-based initiatives. Collaboration as defined by current research is an institutional response to working together that moves resources on an as-needed basis. This approach is especially unique in its adaptivenes and in its honoring of the bioregional knowledge of place.

PROGRAM STRUCTURE

The program will be delivered in Intensive Format to make it more accessible to tribal members, officials and agency liaisons at a distance while preserving the power of face-to-face interactive learning environments, group work and the goal of creating learning communities. Intensive format courses are delivered in five-day segments. This allows working professionals at a distance to reduce travel and incorporate coursework into a format than can be substituted for a weeklong training course. A second characteristic of this program is the recruitment of a special class or cohort with a specific interest in tribal government. The cohort passes through a series of core courses together. Class members form long term relationships and gain sophistication in collaboration and group work. This system honors traditional values of group support and non-abandonment. Cohort programs have demonstrated high success rates in MPA programs.

The overall goal of the degree program is aligned with the professional and intellectual competencies reflected in the field of public administration. An interdisciplinary and collaborative approach weaves together four applied learning goals:

1. Application of critical thinking and writing through a systems approach to learning. This degree program takes a problem-solving stance to research and investigation of current problems. The understanding of complex systems through critical approaches is key as a basis for accountable and effective decision-making in the context of rapid change.

2. Participatory approaches to learning. This component integrates professional competencies with a liberal arts education. This encourages analytical exploration of alternatives through interdisciplinary methods. The approach weaves analysis into participatory research that responds to community needs.

3. Integrated curriculum through the development of a multicultural learning community. This represents a commitment to diversity that sustains cultural differences rather than merging or marginalizing them. It seeks to integrate rather than separate while discovering shared goals.

4. High quality, community-based applied research that contributes to solutions. The ability to conceptualize whole systems that support sustainable communities emerges from research that is accountable to community needs.

Projects and assignments for the program emphasize participatory learning and research. Significant portions of the curriculum include field applications projects where students respond to research needs outlined by tribal officials. Coordination for internships and cooperative education programs are important delivery components of the program to assure its connection to the operations of tribal nations.

EXPLORING NEW CURRICULUM

A graduate program tailored to the needs of tribal employees, officials and agency liaisons creates a base for tribal-centered research applications. This kind of academic research focuses on developing alternatives to complex political problems and working with tribes to strengthen the architecture of tribal self/governance. The MPA/CAT program at Evergreen is working in close collaboration with Portland State University to enhance the program in the future with the advanced interactive distance technology that they are providing to reservation sites. The Tribal Administration program at PSU has a partnership with the Evergreen program to share innovative curriculum and provide a wider range of elective choices for the many administrative areas that draw on public administration from environmental planning to health to courts, from law enforcement to social services. By providing a vehicle for gathering knowledge to make informed choices, this curriculum begs the question of how federal policy interacts with tribal responses. Patterns of internally driven adaptations in tribal governments become evident. The interweaving of the federal thread with the unique histories, cultures, politics and geographic settings of tribal nations creates a tapestry of policy that is colored by federal policy, but brocaded with tribal uniqueness. Models that emerge from these programs may teach lessons about approaches for indigenous peoples in other countries who struggle to build the institutional architecture for self-governance.

NORTHWEST INDIAN APPLIED RESEARCH INSTITUTE SUMMARY OF ACTIVITIES

The Northwest Indian Applied Research Institute begin operations in the Fall of 1999 after having received funding though the College's State Budget in the 99-01 Biennium and a grant of $100 thousand from the Paul Allen Charitable Foundation.

Our charge was to create an organization that could provide meaningful services from the College to the tribal communities in four thematic subject areas: cultural revitalization, governance, natural resource management and economic sustainability. In practical terms, this meant identifying issues around which we could organize applied research projects that would have practical and tangible outcomes. At the outset we decided that the issues which would become the research agenda of the Institute may be identified either from within the College, or, they may be issues that are brought to us as requests from external sources, such as tribal leaders or public officials. The common element is that the work of the Institute should primarily provide a meaningful service to a public constituency while also providing opportunities for meaningful learning experiences for Evergreen students.

As we have consistently explained to tribal audiences, our policy is not to simply provide research work that would further the career or interests of academics but rather to contribute the resources and expertise of the College to the community.

The following is a brief list of projects that the Institute has accomplished in its first two years of operation:

Tribal Government Administration Curriculum Development for the MPA Program. The Institute has been collaborating with the TESC Director of the MPA Program in research, design and development of curriculum needed to support a future degree to be offered in Tribal Government Administration. An extensive survey of tribal government leaders and staff in the Northwest revealed a high level of interest in graduate level studies that would equip tribal members for the increasingly complex work in administration of tribal governments. No other college or university in the US offers classes or an advanced degree that would provide a relevant and contemporary educational experience along with a valuable professional degree and credential. TESC's MPA Program has received approval from the Board of Trustees and the State Higher Education Coordinating Board to develop and offer such a program. Institute support for this effort will include faculty development programs and making available expertise on tribal government issues from around the US.

Implementation of Welfare Reform in Indian Country. In response to the request of the Tribal Relations Office of the State Office of Economic Security, the Institute assisted in preparation and facilitation of a recent state-wide meeting of high ranking state and tribal officials on coordinating the implementation of welfare reform. As a result of Institute involvement, the tribal caucus at the meeting developed a comprehensive program of policy initiatives that would address the needs of tribal government social service offices. The tribes have been experiencing common difficulties in participating in data collection, child care assistance programs and work first training with the state. Tribal recommendations at the meeting drew parallels with the very successful federal tribal self-governance program of the Bureau of Indian Affairs and Indian Health Service as models for tribal participation in welfare reform/TANF.

Development of an Indigenous Nations Declaration of Cultural Property Rights. As an outcome of the Caucus of tribal leaders, the Institute was asked to coordinate the development of program to assist tribal nations and indigenous nations to address the global threat to cultural property rights of indigenous peoples. Participants at the Caucus articulated the need to address the theft of cultural property by commercial interests and the common difficulty of asserting indigenous rights in the context of intellectual property regimes that have been created by nations around the world to protect business interest. Stories were shared on instances where native sacred symbols, stories, medicine and other forms of traditional knowledge have been appropriated by commercial interests without permission and then copyrighted, trademarked or even patented under non-native government regimes. The Institute has developed a briefing book on these issues and coordinated a series of meetings in support of an initiative to organize position and declaration of rights to protect such cultural properties.

Technology Assessment Project. The Institute along with a consortium of tribal organizations and tribal representatives have been meeting with the Bill and Melinda Gates Foundation and the Bullit Foundation to determine Tribal needs for technology use and requirements. The Institute has surveyed the tribes to determine their level of need such for the development of technology plans, infrastructure, community technology centers, library/information service access for tribal & community members, technical assistance and computer equipment.

21st Century Issues for Indian Country: Video Production Series. NIARI has completed a set of videos, which will be marketed to Native Studies programs throughout the United States. These videos are based on a two-day conference entitled: "Caucus of Native Leaders, Activists and Academics," sponsored and hosted here at TESC by NIARI. The video series covers several issues important to tribal governments. NIARI has also developed a teaching guide to accompany the series and will be targeted at the high school level in addition to the college Native Studies programs. Included in that series will be a video based on the late Joe De La Cruz, using his own words recorded at the two-day conference last January here at TESC.

State-Tribal Relations. NIARI has sponsored several MPA applications projects, which focused on tribal contributions to the economy of Washington State, State-Tribal natural resource management processes and State-Tribal Welfare Reform Compacting. We will continue to examine how tribes and the state government can improve their relationship, in particular, where they have shared governmental responsibility.

NIARI is continuing its work with tribal leaders and legislative members to propose the creation of a state legislative committee on State-Tribal relations. NIARI has been identified as potential staff for such a committee. This would provide more opportunities for TESC students to research topics related to state-tribal relations and work towards more public policy development for improved relations.

Washington State Curriculum Project. A recent graduate of the Master In Teaching (MIT) Class of 2000 for Native Learners has been developing curriculum on contemporary Native American issues. This curriculum is formatted into lesson plans, which meet the Essential Learning Requirements in the social studies area set forth by the Washington State Legislature. The lesson plans are available on our Website and are in a format that allows the teacher to download them along with recommended resource materials for use in the classroom.

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